

**DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED
AGENCIES APPROPRIATIONS FOR 1996**

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS
FIRST SESSION

SUBCOMMITTEE ON THE DEPARTMENTS OF COMMERCE, JUSTICE, AND
STATE, THE JUDICIARY, AND RELATED AGENCIES

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JIM KOLBE, Arizona

CHARLES H. TAYLOR, North Carolina

RALPH REGULA, Ohio

MICHAEL P. FORBES, New York

ALAN B. MOLLOHAN, West Virginia

DAVID E. SKAGGS, Colorado

JULIAN C. DIXON, California

NOTE: Under Committee Rules, Mr. Livingston, as Chairman of the Full Committee, and Mr. Obey, as Ranking
Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

JIM KULIKOWSKI, SALLY A. CHADBOURNE, THERESE MCAULIFFE, and KIM WOLTERSTORFF,
Subcommittee Staff

PART 2
Justification of the Budget Estimates
DEPARTMENT OF JUSTICE



Printed for the use of the Committee on Appropriations

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BEST AVAILABLE COPY

1986 ACTUAL			1986 ESTIMATED			1986 BUDGET			1986 PROPOSED			1986 REVENUE			1986 EXPENDITURE			1986 BALANCE		
POB	WYS	OUTLAYS	POB	WYS	OUTLAYS	POB	WYS	OUTLAYS	POB	WYS	OUTLAYS	POB	WYS	OUTLAYS	POB	WYS	OUTLAYS	POB	WYS	OUTLAYS
1107	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1108	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1109	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1110	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1111	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1112	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1113	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1114	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1115	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1116	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1117	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1118	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1119	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1120	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1121	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1122	1200	118,832	12,748	1114	1200	120,185	11,843	113,297	639	642	73,220	694	642	73,220	694	642	73,220	694	642	73,220
1123	1200	118,832	12,748	1114	1200	120,185	11,843	113,2												

BEST AVAILABLE COPY

DEPARTMENT OF JUSTICE
1986 ESTIMATE COMPARED WITH 1985 AND 1984 REQUIREMENTS
(Dollars in thousands)

APPROPRIATION	1984 ACTUAL			1984 INFORMATION			1985			1986			1987			1988			1989			1990			1991			1992			1993			1994			1995			1996			1997			1998			1999			2000			2001			2002			2003			2004			2005			2006			2007			2008			2009			2010			2011			2012			2013			2014			2015			2016			2017			2018			2019			2020			2021			2022			2023			2024			2025			2026			2027			2028			2029			2030			2031			2032			2033			2034			2035			2036			2037			2038			2039			2040			2041			2042			2043			2044			2045			2046			2047			2048			2049			2050			2051			2052			2053			2054			2055			2056			2057			2058			2059			2060			2061			2062			2063			2064			2065			2066			2067			2068			2069			2070			2071			2072			2073			2074			2075			2076			2077			2078			2079			2080			2081			2082			2083			2084			2085			2086			2087			2088			2089			2090			2091			2092			2093			2094			2095			2096			2097			2098			2099			2100			2101			2102			2103			2104			2105			2106			2107			2108			2109			2110			2111			2112			2113			2114			2115			2116			2117			2118			2119			2120			2121			2122			2123			2124			2125			2126			2127			2128			2129			2130			2131			2132			2133			2134			2135			2136			2137			2138			2139			2140			2141			2142			2143			2144			2145			2146			2147			2148			2149			2150			2151			2152			2153			2154			2155			2156			2157			2158			2159			2160			2161			2162			2163			2164			2165			2166			2167			2168			2169			2170			2171			2172			2173			2174			2175			2176			2177			2178			2179			2180			2181			2182			2183			2184			2185			2186			2187			2188			2189			2190			2191			2192			2193			2194			2195			2196			2197			2198			2199			2200			2201			2202			2203			2204			2205			2206			2207			2208			2209			2210			2211			2212			2213			2214			2215			2216			2217			2218			2219			2220			2221			2222			2223			2224			2225			2226			2227			2228			2229			2230			2231			2232			2233			2234			2235			2236			2237			2238			2239			2240			2241			2242			2243			2244			2245			2246			2247			2248			2249			2250			2251			2252			2253			2254			2255			2256			2257			2258			2259			2260			2261			2262			2263			2264			2265			2266			2267			2268			2269			2270			2271			2272			2273			2274			2275			2276			2277			2278			2279			2280			2281			2282			2283			2284			2285			2286			2287			2288			2289			2290			2291			2292			2293			2294			2295			2296			2297			2298			2299			2300			2301			2302			2303			2304			2305			2306			2307			2308			2309			2310			2311			2312			2313			2314			2315			2316			2317			2318			2319			2320			2321			2322			2323			2324			2325			2326			2327			2328			2329			2330			2331			2332		
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DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	GENERAL LEGAL ACTIVITIES		ANTITRUST DIVISION ¹		U S ATTORNEYS		FOREIGN CLAIMS SETTLEMENT COMMISSION	U S MARSHALS SERVICE		SUPPORT OF U S PRISONERS	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Amount	Amount	
1994 obligations	3 524	\$406 626	451	\$45 718	8 238	\$824 939	13	\$861	3 645	\$345 464	\$258 436
1995 Enacted:	3 524	417 202	404	41 015	8 210	844 723	9	830	3 854	396 847	298 216
Transfer for High Intensity Drug Trafficking Areas (HIDTA)						6 545			816		
Procurement Cuts		-368		-12		-899			-65		-1 483
Transfers between acct's Other adjustments											
1995 Total Availability	3 524	416 834	404	41 003	8 210	850 569	9	830	3 854	397 598	296 753
1996 estimate	3 465	434 853	404	43 063	8 129	868 042	9	905	3 799	436 887	295 331
Change 1996 from 1995	-59	18 019		2 060	-81	18 473		75	-55	39 289	-1 422
Adjustments to base											
Transfers to and from other accounts	4	365			-5	-500			-2 300		
Other											
Streamlining	-59	-2 266			-13	-650			-181	-3 708	
Mandatory increases											
One Additional Compensable Day		1 119		252		2 395	3		916		
1996 Pay Raise		4 555		1 094		9 653	12		4 160		
Annualization of 1995 Pay Raise (3.3%)		5 046		913		9 432	16		5 127		
Within-grade increases (WGI)		2 114		449		1 849	12		3 276		
Annualization of 1995 Positions		2 000							5 875		
Availability Pay									4 177		
Health Benefits		357		81		900	1		440		
\$80 required "Buyout" payment to OPM		269		63		640	1		303		
Foreign Allowance									1		
Accident Compensation		169				52			175		
Unemployment Compensation		52				79	28		133		
General Services Admin (GSA) Rent		4 824		92		4 184			2 171		
Relocation of Bond Bidding		806									
Increase in Witness Fees							1				
Increase in Postal Rates		86		22		413			181		
Project EAGLE Maintenance		116									
Medical Hospital Services Costs											
Distributed Administrative Support (DAS)		15									
Costs Assoc. w/ expired leases relocation							6				
General Pricing Lever Adjustments		147		550		4 752			1 726		
FMIS									331		
Technical adjustment for Border Patrol											
Other	1	239									
Total mandatory increases	1	21 814		3 496		34 329	80		29 092		
Decreases											
Nonrecurring HIDTA transfer						-8 545			-816		
Federal Employees Retirement System		-1 696		-264		-4 752	-5		-2 043		
Procurement Savings		-356		-12		-879			-83		-1 422
Federal Telecommunications System		-337		-46		-1 235			-557		
Other									-8 230		
Total Decreases		-2 389		-322		-13 211	-5		-11 709		-1 422
Total adjustments to base	-54	17 824		3 174	18	19 968	75	-181	11 375		-1 422
1996 base	3 470	434 458	404	44 177	8 192	870 537	9	905	3 873	408 973	296 331
Program changes											
Absorption of 1996 pay raise	-8	-3 768		-1 094	-89	-9 653					
Immigration Initiatives						2 158					
Other changes	3	4 183				9 000		128	27 914		
Total program changes	-5	395		-1 094	-83	-1 495		128	27 914		
1996 estimate	3 465	434 853	404	43 063	8 129	868 042	9	905	3 799	436 887	295 331
Change 1996 from 1995	-59	18 019		2 060	-81	18 473		75	-55	39 289	-1 422
Discretionary, Mandatory Split											
Discretionary	3 465	434 853	404	43 063	8 129	868 042	9	905	3 799	436 887	295 331
Mandatory											

¹ Excludes proposed transfer of Interstate Commerce Commission resources of 12 positions
12 Workyears and \$564,000

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	FEES AND EXPENSES OF WITNESSES		COMMUNITY RELATIONS SERVICE		U.S. TRUSTEE SYSTEM FUND		ASSETS FORFEIT FUND		INDEPENDENT COUNSEL		CIVIL LIBERTY PUBLIC FUND		TOTAL LEGAL ACTIVITIES ¹	
	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.
1994 obligations	\$41,639	118	\$25,805		\$72,532		\$48,614		\$10,305		\$80,380		15,891	\$2,210,720
1995 Enacted	78,000	118	20,379		62,583		55,000		4,000		5,000		16,117	2,223,805
Transfer for High Intensity Drug Trafficking Areas (HIDTA)														7,361
Procurement Cuts		-18			-7									-2,632
Transfers between acct's														
Other adjustments														
1995 Total Available	77,982	118	20,379		62,586		55,000		4,000		5,000		16,117	2,228,534
1996 estimate	85,000	113	20,895		65,054		55,000		2,884		5,000		15,919	2,313,734
Change 1996 from 1995	7,018	-3	316		2,468				-1,116				-198	85,200
Adjustments to base														
Transfers to and from other accounts													-1	-2,435
Other													-256	-6,744
Streamlining		-3	-120											
Mandatory increases														
One Additional Compensable Day				34	284									5,003
1996 Pay Rate				142	1,148									20,785
Annualization of 1995 Pay Rate (3.3%)				170	1,340									22,044
Within-grade increases (WIG)				95	589									8,384
Annualization of 1995 Positions														7,875
Availability Pay														4,177
Health Benefits				10	184									1,923
\$80 required "Buyout" payment to OPM				8	93									1,377
Foreign Allowance														1
Accident Compensation					56									452
Unemployment Compensation				28	23									345
General Services Admin (GSA) Rent														11,251
Relocation of Base Building														606
Increase in Witness Fees														1
Increase in Postal Rates				6	105									813
Project EAGLE Maintenance														116
Medical Hospital Services Costs														15
Distributed Administrative Support (DAS)														6
Costs Assoc. w/ exp'd leases relocation														7,556
General Pricing Level Adjustments				47	334									331
FMS														
Technical adjustment for Border Patrol					218								1	11,325
Other	10,368												1	194,686
Total mandatory increases	10,368			540	4,347								1	194,686
Decreases														
Nonrecurring HIDTA transfer														-7,361
Federal Employees Retirement System				-7	-601									-9,368
Procurement Savings				-7										-2,639
Federal Telecommunications System				-80	-128									-2,394
Other	-3,850							-1,116						-13,196
Total Decreases	-3,850			-104	-730			-1,116						-24,658
Total adjustments to base	7,018	-3	316		3,617			-1,116					-256	90,629
1996 base	85,000	113	20,895		66,203		55,000		2,884		5,000		15,861	2,289,163
Program changes														
Absorption of 1996 pay raise					-1,148								-87	-15,694
Immigration Initiatives													26	2,158
Other changes													129	36,087
Total program changes					-1,148								56	24,671
1996 estimate	85,000	113	20,895		65,054		55,000		2,884		5,000		15,919	2,313,734
Change 1996 from 1995	7,018	-3	316		2,468				-1,116				-198	85,200
Discretionary/Mandatory Split														
Discretionary			113	20,895	65,054	55,000					5,000		15,919	2,228,680
Mandatory	85,000								2,884					87,884

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	ORG CRIME DRUG ENFORCE- MENT		FEDERAL BUREAU OF INVESTIGATION		DRUG ENFORCEMENT ADMINISTRATION		IMMIGRATION & NATURALIZATION SERVICE	
	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos
1994 obligations	5367,397	21,937	52,158,865	5,408	8747,362	12,220	51,063,798	
1995 Enacted	374,943	22,287	2,206,871	5,751	757,204	12,629	1,227,871	
Transfer for High Intensity Drug Trafficking Areas (HIDTA)			2,632		8,978		1,537	
Procurement Cuts			-3,276		-881		-198	
Transfers between accts.								
Other adjustments								
1995 Total Availability	374,943	22,287	2,206,227	5,751	765,491	12,629	1,229,012	
1996 estimate	378,473	22,287	2,307,201	5,691	798,188	15,278	1,453,471	
Change 1996 from 1995	3,530		100,974	-80	32,677	2,647	224,459	
Adjustments to base								
Transfers to and from other accounts			-1,219	-80	-8,835		-15,700	
Other								
Streamlining					-5,850		-83	
Mandatory increases								
One Additional Compensable Day	530		8,082		1,404		2,438	
1996 Pay Raise	4,940		24,566		7,030		12,820	
Annualization of 1996 Pay Raise (3.3%)	5,238		30,918		6,134		18,374	
Within-grade increases (WGI)	787		5,258		4,909		7,557	
Annualization of 1996 Positions			28,737		15,400			
Availability Pay								
Health Benefits	183		1,842		351		1,299	
\$80 required "Buyout" payment to OPM	129		1,776		428		461	
Foreign Allowance			66		95		1	
Accident Compensation			379		719		525	
Unemployment Compensation					53		220	
General Services Admin (GSA) Rent			15,384		9,469			
Relocation of Bond Building								
Increase in Witness Fees								
Increase in Postal Rates			849		375		1,141	
Project EAGLE Maintenance								
Medical Hospital Services Costs								
Distributed Administrative Support (DAS)								
Costs Assoc. w/ expired leases/relocation								
General Pricing Level Adjustments	707				550		2,362	
FIMS								
Technical adjustment for Border Patrol							6,771	
Other								
Total mandatory increases	12,492		114,855		48,817		51,969	
Decreases								
Nonrecurring HIDTA transfer			-2,632		-8,978		-1,537	
Federal Employees Retirement System	-1,577		-10,493		-2,579		-5,290	
Procurement Savings			-3,184		-872		-1,581	
Federal Telecommunications System			-1,873		-1,206		-190	
Other	-5,000						-127,622	
Total Decreases	-8,577		-18,182		-13,435		-136,400	
Total adjustments to base	5,915		95,454	-80	19,997	-53	-100,131	
1996 base	380,858	22,287	2,301,681	5,691	785,488	12,576	1,128,881	
Program changes								
Absorption of 1996 pay raise	-2,385					2,690	321,800	
Immigration Initiatives			5,520		12,680	10	2,790	
Other changes								
Total program changes	-2,385		5,520		12,680	2,700	324,590	
1996 estimate	378,473	22,287	2,307,201	5,691	798,168	15,276	1,453,471	
Change 1996 from 1995	3,530		100,974	-80	32,677	2,647	224,459	
Discretionary/Mandatory Split								
Discretionary	378,473	22,287	2,307,201	5,691	798,168	15,276	1,453,471	
Mandatory								

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	FEDERAL PRISON SYSTEM		OFFICE OF JUSTICE PROGRAMS			TOTAL BUREAUS
			Justice		PEOB	
	Pos	Amount	Pos	Amount	Amount	
1994 obligations	26,232	\$2,833,728	348	\$812,815	\$44,709	66,145 \$7,848,355
1995 Enacted	29,306	2,647,242	365	315,350	29,717	70,338 7,558,998
Transfer for High Intensity Drug Trafficking Areas (HIDTA)						13,147
Procurement Cuts		-9,005		-123		-13,291
Transfers between accts			72			72
Other adjustments						
1995 Total Availability	29,306	2,638,237	437	315,227	29,717	70,410 7,558,854
1996 estimate	29,785	2,964,146	513	490,846	30,808	73,531 8,422,811
Change 1996 from 1995	459	325,908	76	175,618	891	3,122 864,057
Adjustments to base						
Transfers to and from other accounts	-217	-9,498	76	182,500		-201 146,248
Other						
Streamlining	-23					-78 -5,550
Mandatory increases						
One Additional Compensable Day		5,370		100		14,824
1996 Pay Raise		23,188		402		72,848
Annualization of 1995 Pay Raise (3.3%)		27,549		812		89,021
Within-grade increases (WG)		148		227		18,784
Annualization of 1995 Positions		140,384		595		185,126
Availability Pay		3,409		35		7,099
Health Benefits		22		24		2,840
SBO required "Buyout" payment to OPM						182
Foreign Allowance						3,832
Accident Compensation		2,209				495
Unemployment Compensation		185		57		25,793
General Services Admin (GSA) Rent				840		
Relocation of Bond Building						
Increase in Witness Fees		1,021		140		3,526
Project EAGLE Maintenance						7,520
Medical Hospital Services Costs		7,520				
Distributed Administrative Support (DAS)						
Costs Assoc. w. expel'd inmates relocation						
General Pricing Level Adjustments		2,831		2,032	891	9,373
FMS						
Technical adjustment for Border Patrol						8,771
Other						
Total mandatory increases		213,824		5,364	891	448,212
Decreases						
Nonrecurring HIDTA transfer						-13,147
Federal Employees Retirement System		-17,292		-91		-37,292
Procurement Savings		-8,752		-120		-14,288
Federal Telecommunications System		-1,864		-35		-4,868
Other	-26	-186,970				-26 -208,782
Total Decreases	-26	-194,648		-246		-26 -389,488
Total adjustments to base	-260	9,678	76	187,618	891	-303 218,422
1996 base	29,040	2,647,915	513	602,845	30,808	70,107 7,778,278
Program changes						
Absorption of 1996 pay raise		-22,897				-25,282
Immigration Initiatives						2,860 321,900
Other changes	725	338,127		-12,000		735 346,117
Total program changes	725	315,230		-12,000		3,425 644,838
1996 estimate	29,765	2,964,146	513	490,846	30,808	73,532 8,422,811
Change 1996 from 1995	459	325,908	76	175,618	891	3,122 864,057
Discretionary Mandatory Split	29,765	2,964,146	513	490,846	2,134	73,532 8,394,437
Discretionary Mandatory					28,474	28,474

VIOLENT CRIME REDUCTION PROGRAMS
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	GENERAL ADMINISTRATION		COMMUNITY ORIENTED POLICING SERVICES		ADMIN REVIEW & APPEALS		GENERAL LEGAL ACTIVITIES		U S ATTORNEYS		U S MARSHALS SERVICE	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
1994 obligations												
1995 Enacted	224	17 400	130	1 300 000			58	4 600	80	6 800		
Transfer for High Intensity Drug Trafficking Areas (HIDTA)												
Procurement Cuts												
Transfers between accts												
Other adjustments												
1995 Total Availability	224	17 400	130	1 300 000			58	4 600	80	6 800		
1996 estimate		15 500	266	1 902 964	312	33 180	58	7 591	145	14 731	41	18 500
Change 1996 from 1995	-224	-1 900	136	602 964	312	33 180		2 991	65	7 931	41	18 500
Adjustments to base												
Transfers to and from other accounts	-224	-17 400			224	17 400			5	500		
Other												
Streamlining												
Mandatory increases												
One Additional Compensable Day												
1996 Pay Raise						44		4				
Annualization of 1995 Pay Raise (3.3%)						184		18				
Within-grade increases (WIG)						8 431		2 916		2 344		
Annualization of 1995 Positions												
Availability Pay												
Health Benefits						14						
\$80 required "Buyout" payment to OPM								2				
Foreign Allowance												
Accident Compensation												
Unemployment Compensation												
General Services Admin (GSA) Rent												
Relocation of Bond Building												
Increase in Witness Fees												
Increase in Postal Rates												
Project EAGLE Maintenance												
Medical Hospital Services Costs												
Distributed Administrative Support (DAS)												
Costs Assoc w expired leases relocation												
General Pricing Level Adjustments						207		51		87		
FMIS												
Technical adjustment for Border Patrol												
Other						6 880		2 991		2 431		
Total mandatory increases						6 880		2 991		2 431		
Decreases												
Nonrecurring HIDTA transfer												
Federal Employees Retirement System												
Procurement Savings												
Federal Telecommunications System												
Other												
Total Decreases												
Total adjustments to base	-224	-17 400			224	26 280		2 991	5	2 931		
1996 base			130	1 300 000	224	26 280	58	7 591	85	9 731		
Program changes												
Absorption of 1996 pay raise												
Immigration Initiative												
Other changes		15 500	136	602 964	88	8 900			60	5 000	41	18 500
Total program changes		15 500	136	602 964	88	8 900			60	5 000	41	18 500
1996 estimate		15 500	266	1 902 964	312	33 180	58	7 591	145	14 731	41	18 500
Change 1996 from 1995	-224	-1 900	136	602 964	312	33 180		2 991	65	7 931	41	18 500
Discretionary Mandatory Split												
Discretionary		15 500	266	1 902 964	312	33 180	58	7 591	145	14 731	41	18 500
Mandatory												

VIOLENT CRIME REDUCTION PROGRAMS
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	FEDERAL BUREAU OF INVESTIGATION		DRUG ENFORCEMENT ADMINISTRATION		IMMIGRATION & NATURALIZATION SERVICE		FEDERAL PRISON SYSTEM		OFC OF JUSTICE PROGRAMS		VCRP TOTAL	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
1994 obligations												
1995 Enacted					1,336	255,200			72	761,000	1,900	2,345,000
Transfer for High Intensity Drug Trafficking Areas (HIDTA)												
Procurement Cuts									-72		-72	
Transfers between accts												
Other adjustments												
1995 Total Availability					1,336	255,200			761,000		1,828	2,345,000
1996 estimate	4	48,500	83	12,000	1,707	335,498	262	13,500	1,566,238		2,878	3,964,200
Change 1996 from 1995	4	48,500	83	12,000	371	80,298	262	13,500	805,238		1,050	1,619,200
Adjustments to base												
Transfers to and from other accounts	1	218	53	8,035		10,700	225	11,798	-78	-182,500	207	-150,248
Other												
Streamlining												
Mandatory increases												
One Additional Compensable Day												48
1996 Pay Rate												184
Annualization of 1995 Pay Rate (3.3%)												18
Within-grade increases (WGI)												13,691
Annualization of 1995 Positions												
Availability Pay												75
Health Benefits						75						89
\$80 required "Buyout" payment to OPM												2
Foreign Allowance												
Accident Compensation												
Unemployment Compensation												
General Services Admin (GSA) Rent												
Relocation of Bond Building												
Increase in Witness Fees												
Increase in Postal Rates												
Project EAGLE Maintenance												
Medical Hospital Services Costs												
Distributed Administrative Support (DAS)												
Costs Assoc. w/ expired leases/relocation												
General Pricing Level Adjustments						278						823
PMR												
Technical adjustment for Border Patrol						2,030						2,030
Other						46,742						46,742
Total mandatory increases						49,125						83,427
Decreases												
Nonrecurring HIDTA transfer												
Federal Employee Retirement System												
Procurement Savings												
Federal Telecommunications System												
Other						-52,815						-52,815
Total Decreases						-52,815						-52,815
Total adjustments to base	1	218	53	8,035		7,010	225	11,798	-78	-182,500	207	-139,838
1996 base	1	218	53	8,035	1,336	262,210	225	11,798	-78	578,500	2,035	2,205,364
Program changes												
Absorption of 1996 pay rate												
Immigration Initiatives					332	69,918					332	69,918
Other changes	4	45,281	30	3,965	30	3,370	37	1,702	78	887,738	511	1,688,918
Total program changes	4	45,281	30	3,965	371	73,288	37	1,702	78	887,738	843	1,758,836
1996 estimate	4	48,500	83	12,000	1,707	335,498	262	13,500	1,566,238		2,878	3,964,200
Change 1996 from 1995	4	48,500	83	12,000	371	80,298	262	13,500	805,238		1,050	1,619,200
Discretionary/Mandatory Split												
Discretionary	4	48,500	83	12,000	1,707	335,498	262	13,500	1,566,238		2,878	3,964,200
Mandatory												

DEPARTMENT OF JUSTICE
Summary of Requirements
Analysis of Overall 1996 Increase
(Dollars in thousands)

	PRE-MERGER FUND FEES	INDEPENDENT COUNSEL FUND	CIVIL LIBERTY PUBED FUND	U.S. TRUSTEE SYSTEM FUND	ASSETS FORFEIT FUND	TELEPHONE CARRIER COMPLIANCE	DIVERSION CONTROL FEE	IMMIGRATION FEE ACCTS	CRIME VICTIMS FUND	TOTAL OTHER AUTHORITY
	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount	Amount
1994 obligations	\$26,525			\$29,044	\$478,567		\$32,871	\$533,984	\$138,382	\$1,239,373
1995 Enacted	39,640			40,597	422,425		43,431	650,563	160,218	1,356,874
Transfer for High Intensity Drug Trafficking Areas (HIDTA)										
Procurement Cuts	-43			-31	-333		-26	-1,204		-1,637
Transfers between accts										
Other adjustments	-155			-218	34,619		-298	-1,225	18,673	51,366
1995 Total Availability	39,442			40,348	456,711		43,107	648,134	178,891	1,406,633
1996 estimate	48,262			44,191	447,000	100,000	47,241	775,802	165,025	1,827,521
Change 1996 from 1995	8,820			3,843	-9,711	100,000	4,134	127,668	-13,866	220,888
Adjustments to base										
Transfers to and from other accounts							1,800			1,800
Streamlining										
Mandatory increases										
One Additional Compensable Day							131	1,334		1,465
1996 Pay Rates							549	6,849		7,398
Annualization of 1995 Pay Rate (3.3%)				522			700	9,459		10,681
Within-grade increases (WGI)							428	4,304		4,730
Annualization of 1995 Positions										
Availability Pay										
Health Benefits							257	740		997
\$80 required "Buyout" payment to OPM							44	532		576
Foreign Allowance								14		14
Accident Compensation								184		184
Unemployment Compensation								40		40
General Services Admin (GSA) Rent							185			185
Relocation of Bond Building										
Increase in Travel Fees							31			31
Increase in Postal Rates										
Protect EAGLE Maintenance										
Medical Hospital Services Costs										
Distributed Administrative Support (DAS)								217		217
Costs Assoc. w/ expired leases relocation										
General Pricing Level Adjustments							11	1,284		1,295
FBI'S										
Technical adjustment for Border Patrol										
Other										
Total mandatory increases				522			2,334	24,957		27,813
Decreases										
Nonrecurring HIDTA transfer										
Federal Employees Retirement System										
Procurement Savings										
Federal Telecommunications System										
Other								-26,082		-26,082
Total Decreases								-26,082		-26,082
Total adjustments to base				522			6,134	-1,135		3,521
1996 base	39,442			40,870	456,711		47,241	646,999	178,891	1,410,154
Program changes										
Adoption of 1996 pay rate										
Immigration initiatives								130,618		130,618
Other changes	8,820			3,321	-9,711	100,000		-1,813	-13,866	86,751
Total program changes	8,820			3,321	-9,711	100,000		128,803	-13,866	217,367
1996 estimate	48,262			44,191	447,000	100,000	47,241	775,802	165,025	1,827,521
Change 1996 from 1995	8,820			3,843	-9,711	100,000	4,134	127,668	-13,866	220,888
Discretionary Mandatory Split										
Discretionary	48,262			44,191	447,000	100,000	47,241	775,802	165,025	1,827,521

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	Less Border PTE Amount	Breached Bond Debtion Fund PTE Amount	Excess PTE Amount	Border Services User Fee PTE Amount	Total Less PTE Amount
1994 actuals					
1995 as enacted	50	1,935	48	6,235	21,487
Procurement & OSA savings					1,937
Absorption of 1995 Pay Rate					2,132,346
PTE Technical Adjust					
Transfer from AD-11A					18,180
1995 availability					11,997,762
					-2,625
1996 estimate					
Change 1996 from 1995	07	53	5,905	48	25,102
Adjustments to base	07	33	4,381		22,884
Transfers					2,864
Streamlining					3,635
Mandatory increases					-6,000
One Add. Compensable Day					-134
1996 Pay Rates					3,772
1995 Rate					1,930
Annulment of 1995 Pay Rates					350
Annulment of 1995 Positions					743
Within Grade Increases					53,813
Wages					11,661
\$40 Buyout Payment to OPM					1,068
Health Benefits					2,039
Foreign Allowance					15
Accident Compensation					710
Unemployment Comp					269
Increase in Foster Rates					1,141
Debarred former Support					181
Technical Adjustments					3,824
Total mandatory increases					2,030
					1,093
Decreases					-22
1996 base	50	1,648	48	6,338	21,281
Program Changes					2,038,060
Border Mgmt and Enforcement					
Border Patrol					1,818
Detention & Removal of Criminal					826
Detention & Removal of Criminal					350
And Other Deportable Aliens					79,800
Assistance to States and Other					1,400
Customer Service					702
Other Program Changes					108,218
Total Program Changes					48
					25
1996 estimate	07	53	4,320		13,370
					181
					1,723
					3,631
					1,708
					694,881
					25,102
					22,884
					2,864
					3,772
					1,930
					350
					743
					53,813
					11,661
					1,068
					2,039
					15
					710
					269
					1,141
					181
					3,824
					2,030
					1,093
					-22
					21,281
					2,038,060
					1,818
					826
					350
					79,800
					1,400
					702
					108,218
					48
					25
					13,370
					181
					1,723
					3,631
					1,708
					694,881
					25,102
					22,884
					2,864
					3,772
					1,930
					350
					743
					53,813
					11,661
					1,068
					2,039
					15
					710
					269
					1,141
					181

CHIEF OF POLICE PROGRAMS
A. Departmental Programs

PROGRAM	1987-1988				1988-1989				1989-1990				1990-1991				1991-1992				1992-1993				1993-1994				1994-1995				1995-1996				1996-1997				1997-1998				1998-1999				1999-2000				2000-2001				2001-2002				2002-2003				2003-2004				2004-2005				2005-2006				2006-2007				2007-2008				2008-2009				2009-2010				2010-2011				2011-2012				2012-2013				2013-2014				2014-2015				2015-2016				2016-2017				2017-2018				2018-2019				2019-2020				2020-2021				2021-2022				2022-2023				2023-2024				2024-2025				2025-2026				2026-2027				2027-2028				2028-2029				2029-2030				2030-2031				2031-2032				2032-2033				2033-2034				2034-2035				2035-2036				2036-2037				2037-2038				2038-2039				2039-2040				2040-2041				2041-2042				2042-2043				2043-2044				2044-2045				2045-2046				2046-2047				2047-2048				2048-2049				2049-2050				2050-2051				2051-2052				2052-2053				2053-2054				2054-2055				2055-2056				2056-2057				2057-2058				2058-2059				2059-2060				2060-2061				2061-2062				2062-2063				2063-2064				2064-2065				2065-2066				2066-2067				2067-2068				2068-2069				2069-2070				2070-2071				2071-2072				2072-2073				2073-2074				2074-2075				2075-2076				2076-2077				2077-2078				2078-2079				2079-2080				2080-2081				2081-2082				2082-2083				2083-2084				2084-2085				2085-2086				2086-2087				2087-2088				2088-2089				2089-2090				2090-2091				2091-2092				2092-2093				2093-2094				2094-2095				2095-2096				2096-2097				2097-2098				2098-2099				2099-2100				2100-2101				2101-2102				2102-2103				2103-2104				2104-2105				2105-2106				2106-2107				2107-2108				2108-2109				2109-2110				2110-2111				2111-2112				2112-2113				2113-2114				2114-2115				2115-2116				2116-2117				2117-2118				2118-2119				2119-2120				2120-2121				2121-2122				2122-2123				2123-2124				2124-2125				2125-2126				2126-2127				2127-2128				2128-2129				2129-2130				2130-2131				2131-2132				2132-2133				2133-2134				2134-2135				2135-2136				2136-2137				2137-2138				2138-2139				2139-2140				2140-2141				2141-2142				2142-2143				2143-2144				2144-2145				2145-2146				2146-2147				2147-2148				2148-2149				2149-2150				2150-2151				2151-2152				2152-2153				2153-2154				2154-2155				2155-2156				2156-2157				2157-2158				2158-2159				2159-2160				2160-2161				2161-2162				2162-2163				2163-2164				2164-2165				2165-2166				2166-2167				2167-2168				2168-2169				2169-2170				2170-2171				2171-2172				2172-2173				2173-2174				2174-2175				2175-2176				2176-2177				2177-2178				2178-2179				2179-2180				2180-2181				2181-2182				2182-2183				2183-2184				2184-2185				2185-2186				2186-2187				2187-2188				2188-2189				2189-2190				2190-2191				2191-2192				2192-2193				2193-2194				2194-2195				2195-2196				2196-2197				2197-2198				2198-2199				2199-2200				2200-2201				2201-2202				2202-2203				2203-2204				2204-2205				2205-2206				2206-2207				2207-2208				2208-2209				2209-2210				2210-2211				2211-2212				2212-2213				2213-2214				2214-2215				2215-2216				2216-2217				2217-2218				2218-2219				2219-2220				2220-2221				2221-2222				2222-2223				2223-2224				2224-2225				2225-2226				2226-2227				2227-2228				2228-2229				2229-2230				2230-2231				2231-2232				2232-2233				2233-2234				2234-2235				2235-2236				2236-2237				2237-2238				2238-2239				2239-2240				2240-2241				2241-2242			
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DEPARTMENT OF JUSTICE
Summary of Direct Obligations by Object Class
 1994 - 1996
 (in thousands of dollars)

Object Classification	1994 Actual	1995 Estimate	1996 Estimate	1995 Change Over 1994	Percent
111 Full-time personnel	\$3,424,080	\$3,761,674	\$4,062,853	\$333,876	8.08
112 Other than full-time personnel	76,375	82,750	104,930	22,180	28.80
115 Other personnel compensation	443,849	451,811	502,181	50,370	11.19
117 Military personnel			19	19	
118 Special personnel services payments	101,248	109,335	111,452	2,117	1.94
118 - Total personnel compensation	\$4,045,511	\$4,405,570	\$4,811,414	\$365,844	8.75
121 Civilian personnel benefits	1,106,734	1,277,048	1,397,935	120,897	9.47
122 Personnel benefits for military personnel	29	21	78	57	
130 Benefits for former personnel	12,825	13,795	14,115	1,290	10.05
210 Travel & transportation of persons	191,869	204,446	247,180	42,714	22.28
220 Transportation of things	23,747	35,290	35,278	(2)	(0.07)
231 Rental payments to GSA	482,739	568,047	618,650	53,603	9.47
232 Rental payments to others	47,779	43,721	49,898	6,175	14.12
233 Communications, utilities and miscellaneous charges	294,254	324,137	343,135	18,898	6.46
240 Printing and reproduction	16,746	18,924	21,290	2,366	14.13
251 Consulting services	11,864	18,298	19,086	2,786	23.49
252 Purchase of goods & services from Gov't Acct's	2,248,466	2,242,476	2,418,732	177,256	7.90
253 Operation of GOO's	56,873	27,298	20,387	(6,911)	(25.32)
254 Research & development contracts	53	271	31,717	31,446	11,803.96
310 Equipment and materials	339,365	439,895	503,249	63,354	18.67
320 Land and structure	401,182	618,878	703,493	84,615	21.09
410 Grants, subsidies and contributions	31,068	81,445	18,408	(45,036)	(73.30)
420 Insurance claims and indemnities	680,026	2,613,318	3,808,983	1,295,377	48.57
430 Interest and dividends	46,909	34,844	31,843	(2,801)	(6.06)
440 Fines	271	186	187	16	
450 Unrecorded	37				
610 Unrecorded	2	120	120		
TOTAL Obligations	\$10,763,826	\$12,853,035	\$15,187,658	\$2,334,605	17.21
Unobligated balance, start of year	(2,136,147)	(1,488,735)	(987,560)	500,675	(33.42)
Unobligated balance, transferred net	(866)				
Unobligated balance, end of year	1,498,735	873,460	708,722	(164,738)	(18.86)
Unobligated balance, expiring	13,718		(1,947)		
Unobligated balance, restricted	(9,943)	(1,500)	(1,000)	500	(33.33)
Reversions of prior year obligations					
TOTAL Appropriation (adjusted)	\$8,627,005	\$12,508,078	\$14,895,854	\$2,387,945	(85)

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
TOTALS
1994 1995 1996

	General Administration			Administrative			Office of the Inspector General			Weed and Seed Fund			U.S. Parole Commission		
	1994	1995	1996	1994	1995	1996	1994	1995	1996	1994	1995	1996	1994	1995	1996
Appropriated Funds															
Attorneys (903)	372	372	178			212	5	5	5	2	2	2	5	5	5
Paralegal specialists (950)	17	13	13			13							1	1	1
Other Legal and Kindred (900-999)	135	135	2			133									
Detention and Deportation Officer (1801)							109	109	133						
General Investigators (1816)															
Criminal Investigators (1811)															
Immigration Inspectors (1818)															
Border Patrol Agents (1848)															
General Enforcement & Support (1800-1899)							2	2	8						
Correctional Institution Admin. (9008)															
Correctional Officers (907)															
Fingerprint Identification (917)															
U.S. Marshals (982)															
Trustees (901)															
Conclusion Specialists (301)															
Regional Directors (340)	40	39	39										36	33	22
Other Miscellaneous Occupations (901-999)															
Soc. Science, Econ. and Kindred (100-199)															
Intelligence Group (132-134)															
Personnel Management (200-299)	39	36	50				5	5	4						
Gen. Admin., Clerical & Off. Svc. (300-399)	283	252	148			145	181	157	159	5	5	5	35	33	24
Biological Sciences (400-499)															
Accounting and Budget (500-599)	58	56	74			3	52	52	66				1	1	1
Medical, Dental and Public Health (600-799)															
Engineering and Architecture Group (800-899)															
Information and Arts Group (1000-1099)	144	138	37			122	1	1	1						
Business and Industry Group (1100-1199)	23	24	24												
Patent and Trademark Group (1200-1299)															
Physical Sciences Group (1300-1399)															
Library and Archives Group (1400-1499)	31	31	36												
Mathematics & Statistical Group (1500-1599)															
Equip., Facilities & Svc. Group (1600-1699)	5	4	12												
Education Group (1700-1799)															
Supply Group (2000-2099)	19	19	19												
Border Patrol Pilot (2181)															
Transportation (2100-2199)															
Food Preparation and General Maintenance															
Security Specialist (340)	46	45	57												
Total	1,187	1,114	639			620	335	331	376	7	7	7	78	73	63

DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
TOTALS
1994 - 1996

	Legal Activities			Bureaus			Violent Crime Reduction Programs			Totals		
	1994	1995	1996	1994	1995	1996	1994	1995	1996	1994	1995	1996
Appropriated Funds												
Attorneys (001)	6,079	5,982	5,919	407	437	567				6,770	7,013	7,201
Paralegal Specialists (050)	1,100	1,086	1,082	86	103	107				1,200	1,233	1,247
Other Legal and Kindred (000-998)	2,756	2,247	2,216	1,077	1,150	1,233				3,469	3,405	3,891
Detention and Deportation Officer (1801)				350	350	507				75	350	562
Detention Enforcement Officer (1802)				736	735	1,203				134	736	1,337
General Investigators (1810)	6	6	6	55	55	55				61	61	61
Criminal Investigators (1811)	2,167	2,261	2,261	13,607	14,195	14,344				15,883	16,595	16,862
Immigration Inspectors (1816)				843	946	946				643	946	946
Border Patrol Agents (1816)				4,559	4,559	5,259				700	4,559	5,259
General Enforcement & Support (1800-1899)	39	54	54	457	505	1,145				116	498	594
Correctional Institution Admin (008)				1,516	1,599	1,629					1,516	1,599
Correctional Officers (007)				11,516	12,947	13,226					11,516	12,947
Fingerprint Identification (072)												
U.S. Marshals (002)	306	339	435							41	306	339
Trustees (201)												
Conciliation Specialists (3011)	52	55	55							52	55	55
Regional Directors (340)	10	10	10							10	10	10
Other Miscellaneous Occupations (001-099)	45	46	46	7,676	7,769	7,805				24	7,781	7,874
Soc. Science Econ. and Kindred (100-199)	74	72	67	1,930	2,253	2,097				267	2,040	2,356
Intelligence Group (132-134)	122	122	122	399	402	402				399	402	402
Personnel Management (200-299)	3,286	3,300	3,140	1,136	1,336	1,357				4	1,391	1,501
Gen. Admin., Clerical & Off. Svcs (300-399)				11,136	11,466	11,774				577	14,908	15,646
Biological Sciences (400-499)				7	7	7				7	7	7
Accounting and Budget (500-599)	307	309	306	1,161	1,286	1,327				3	1,579	1,707
Medical, Dental and Public Health (600-799)	1	1	1	1,806	2,135	2,189				1,807	2,136	2,190
Engineering and Architecture Group (800-899)	3	3	3	476	465	479				15	481	483
Information and Arts Group (1000-1099)	28	28	28	89	90	105				33	57	261
Business and Industry Group (1100-1199)	86	106	66	538	583	596				5	648	719
Patent and Trademark Group (1200-1299)												
Physical Sciences Group (1300-1399)				209	219	235				209	219	235
Library and Archives Group (1400-1499)	15	15	15	6	6	6				52	52	57
Mathematics & Statistical Group (1500-1599)	3	3	3	69	74	79				72	77	82
Equip., Facilities & Svcs. Group (1600-1699)	7	7	7	448	510	526				5	460	523
Education Group (1700-1799)	3	3	3	833	942	961				5	836	950
Supply Group (2000-2099)	13	13	13	212	222	233				4	244	256
Border Patrol Pilot (2181)				79	79	79				79	79	79
Transportation (2100-2199)	34	34	34	18	18	16				16	52	68
Food Preparation and General Maintenance				2,609	2,947	3,032				2,609	2,947	3,032
Security Specialist (000)	17	15	15							63	60	72
Total	16,009	16,117	15,919	86,145	70,410	73,539				1,828	83,731	89,860
											84,024	

Agency	1994 - 1995					1996 - 1997					1998 - 1999					2000 - 2001					2002 - 2003					2004 - 2005					2006 - 2007					2008 - 2009					2010 - 2011					2012 - 2013					2014 - 2015					2016 - 2017					2018 - 2019					2020 - 2021					2022 - 2023					2024 - 2025					2026 - 2027					2028 - 2029					2030 - 2031					2032 - 2033					2034 - 2035					2036 - 2037					2038 - 2039					2040 - 2041					2042 - 2043					2044 - 2045					2046 - 2047					2048 - 2049					2050 - 2051					2052 - 2053					2054 - 2055					2056 - 2057					2058 - 2059					2060 - 2061					2062 - 2063					2064 - 2065					2066 - 2067					2068 - 2069					2070 - 2071					2072 - 2073					2074 - 2075					2076 - 2077					2078 - 2079					2080 - 2081					2082 - 2083					2084 - 2085					2086 - 2087					2088 - 2089					2090 - 2091					2092 - 2093					2094 - 2095					2096 - 2097					2098 - 2099					2100 - 2101					2102 - 2103					2104 - 2105					2106 - 2107					2108 - 2109					2110 - 2111					2112 - 2113					2114 - 2115					2116 - 2117					2118 - 2119					2120 - 2121					2122 - 2123					2124 - 2125					2126 - 2127					2128 - 2129					2130 - 2131					2132 - 2133					2134 - 2135					2136 - 2137					2138 - 2139					2140 - 2141					2142 - 2143					2144 - 2145					2146 - 2147					2148 - 2149					2150 - 2151					2152 - 2153					2154 - 2155					2156 - 2157					2158 - 2159					2160 - 2161					2162 - 2163					2164 - 2165					2166 - 2167					2168 - 2169					2170 - 2171					2172 - 2173					2174 - 2175					2176 - 2177					2178 - 2179					2180 - 2181					2182 - 2183					2184 - 2185					2186 - 2187					2188 - 2189					2190 - 2191					2192 - 2193					2194 - 2195					2196 - 2197					2198 - 2199					2200 - 2201					2202 - 2203					2204 - 2205					2206 - 2207					2208 - 2209					2210 - 2211					2212 - 2213					2214 - 2215					2216 - 2217					2218 - 2219					2220 - 2221					2222 - 2223					2224 - 2225					2226 - 2227					2228 - 2229					2230 - 2231					2232 - 2233					2234 - 2235					2236 - 2237					2238 - 2239					2240 - 2241					2242 - 2243					2244 - 2245					2246 - 2247					2248 - 2249					2250 - 2251					2252 - 2253					2254 - 2255					2256 - 2257					2258 - 2259					2260 - 2261					2262 - 2263					2264 - 2265					2266 - 2267					2268 - 2269					2270 - 2271					2272 - 2273					2274 - 2275					2276 - 2277					2278 - 2279					2280 - 2281					2282 - 2283					2284 - 2285					2286 - 2287					2288 - 2289					2290 - 2291					2292 - 2293					2294 - 2295					2296 - 2297					2298 - 2299					2300 - 2301					2302 - 2303					2304 - 2305					2306 - 2307					2308 - 2309					2310 - 2311					2312 - 2313					2314 - 2315					2316 - 2317					2318 - 2319					2320 - 2321					2322 - 2323					2324 - 2325					2326 - 2327					2328 - 2329					2330 - 2331					2332 - 2333					2334 - 2335					2336 - 2337					2338 - 2339					2340 - 2341					2342 - 2343					2344 - 2345					2346 - 2347					2348 - 2349					2350 - 2351					2352 - 2353					2354 - 2355					2356 - 2357					2358 - 2359					2360 - 2361					2362 - 2363					2364 - 2365					2366 - 2367					2368 - 2369					2370 - 2371					2372 - 2373					2374 - 2375					2376 - 2377					2378 - 2379					2380 - 2381					2382 - 2383					2384 - 2385					2386 - 2387					2388 - 2389					2390 - 2391					2392 - 2393					2394 - 2395					2396 - 2397					2398 - 2399					2400 - 2401					2402 - 2403					2404 - 2405					2406 - 2407					2408 - 2409					2410 - 2411					2412 - 2413					2414 - 2415					2416 - 2417					2418 - 2419					2420 - 2421					242				
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DEPARTMENT OF JUSTICE
Detail of Permanent Positions by Category
Bureaus
1994 - 1996

	Federal Bureau of Investigation		Drug Enforcement Administration		Immigration and Naturalization Service	Federal Prison System	Office of Justice Programs	Total Bureaus	
	1994	1995	1994	1995	1994	1995	1994	1995	1996
Appropriated Funds									
Attorneys (003)			44	44	44	44	100	100	101
Paralegal Specialists (050)					2	2	88	103	107
Other Legal and Deportation Officer (1801)			44	44	877	675	107	107	107
Deportation Enforcement Officer (1802)					350	350	350	350	350
General Investigators (1810)			75	75	350	350	350	350	350
Criminal Investigators (1811)			15	15	881	880	1124	1124	1124
Immigration Inspectors (1816)			2	2	1537	1547	1749	1749	1749
Border Patrol Agents (1818)			2	2	843	846	846	843	846
Other Employees and Support (1800 - 1899)			2577	2587	4559	4559	5250	4559	5250
Correctional Officers (007)					457	505	1145	457	505
Fingerprint Identification (072)								1518	1590
U.S. Marshals (082)								11518	12947
Trustees (201)									
Regional Directors (240)			37	37	253	250	275	253	275
Other Miscellaneous Occupations (001 - 089)			309	402	20	20	20	309	402
Soc. Science Econ. and Kindred (100 - 199)			88	88	188	227	235	88	227
Intelligence Group (132 - 134)			1632	1672	1665	1669	2241	1632	1672
Personal Management (200 - 299)			4	4				4	4
Plan. Admin. and Control Services (300 - 399)			101	101	147	178	188	101	178
Rec. Admin. (400 - 499)			7	7	7	7	7	7	7
Accounting and Budget (500 - 599)			6	6	6	6	6	6	6
Medical Dental and Public Health (600 - 699)			18	18	18	46	46	18	46
Engineering and Architecture Group (800 - 899)			6	6	6	6	6	6	6
Information and Arts Group (1000 - 1099)			6	6	6	6	6	6	6
Business and Industry Group (1100 - 1199)			207	217	217	217	217	207	217
Patent and Trademark Group (1200 - 1299)			3	3	3	3	3	3	3
Physical Sciences Group (1300 - 1399)			10	10	10	10	10	10	10
Library and Archives Group (1400 - 1499)			45	45	45	45	45	45	45
Mathematics & Statistical Group (1500 - 1599)			22	22	22	22	22	22	22
Equip. Facilities & Svcs. Group (1600 - 1699)			6	6	6	6	6	6	6
Education Group (1700 - 1799)			6	6	6	6	6	6	6
Supply Group (2000 - 299)			6	6	6	6	6	6	6
Service Support (3000 - 399)									
Transportation (4000 - 499)									
Food Preparation and General Maintenance									
Security Specialist (080)									
Total	21,937	22,287	22,287	22,287	5,408	5,761	5,691	12,220	12,659
								26,232	26,795
								348	437
								513	513
								66,145	70,410
								73,032	73,032

DEPARTMENT OF JUSTICE

[illegible]

DEPARTMENT OF JUSTICE
General Administration and Legal Activities
Number of Attorneys, 1994-1996

Division/Office	1994 Actual	1995 Estimate	1996 Estimate
General Administration			
VCRP	322	322	128
Community Policing (VCRP)	0	91	0
Administrative Review & Appeals	0	4	10
VCRP	0	0	212
Office of the Inspector General	0	0	127
Weed and Seed Fund	5	5	5
U.S. Parole Commission	5	5	5
Legal Activities:			
General Legal Activities			
Solicitor General	22	21	22
Tax Division	382	379	378
Criminal Division	413	413	395
Civil Division	603	589	591
Environment and Natural Resources Division	221	241	236
Office of Legal Counsel	22	22	22
Civil Rights Division	261	254	254
VCRP	0	41	41
Total General Legal Activities	1,924	1,960	1,939
Antitrust Division	178	154	154
U.S. Attorneys	3,898	3,883	3,851
VCRP	0	40	80
Foreign Claims Settlement Commission	5	2	2
U.S. Marshals Service	0	0	0
Community Relations Service	1	1	1
Total Legal Activities	6,006	6,040	6,027
Total, General Administration, U.S. Parole Commission			
Office of the Inspector General, and Legal Activities	6,340	6,469	6,518
Total, Violent Crime Reduction Program	[0]	[176]	[266]

Department of Justice

MANDATORY ITEMS

The mandatory items listed in the estimates for various appropriations involve nondiscretionary expenses of the Department. Mandatory costs result primarily from statutes, Executive orders, and other Presidential directives that have Government wide application in a number of cases resources are also requested to pay for the price increases of basic commodities and services. Increases in these categories are reflected in the justification material as "Mandatory increases". Decreases are reflected in the "Decreases" section of the justification of "Adjustments to base" along with other nonrecurring items. The cost of mandatory increases less the amounts identified as "Decreases" represent the net change to maintain the Department's 1996 level of operations. These computations, together with transfers, savings from management initiatives and adjustments in permanent positions, determine the base for 1996.

A. Mandatory items required by statute, Executive Order, or other Presidential directive include costs that the Department must pay to implement Government-wide regulations and policies. These items are listed below with a brief statement relating to the statutory or other authority and any legal citation.

1. One Additional Compensable Day

The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day.

2. 1996 pay raise

The Administration request for the 1996 Federal employee pay raise is 2.4 percent. However, this request provides for a 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amounts requested represent the pay amount for three-quarters of the fiscal year plus appropriate benefits.

3. Annualization and increase of 1995 pay raise

This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year

4. Annualization of 1995 Positions

This request provides for the annualization of additional positions approved in the 1995 Appropriations Act.

5. Availability pay

The Treasury, Postal Service and General Government Appropriations Act authorizes availability pay for law enforcement officers. This request provides sufficient funding in the U.S. Marshall Service base to compensate its law enforcement officers for Law Enforcement Availability Pay.

6. Health Benefits

The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.

7. 380 supplemental retirement contributions.

For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems.

8. Accident compensation (Federal employees' Contributions Act--Workers' Compensation)

Public Law 89-554 provides that an employee who is injured in the performance of duty is to be furnished medical services and other benefits, and that these expenses, when authorized or approved by the Secretary of Labor, are to be paid by the Employees Compensation Fund (5 U.S.C. 813). The Secretary is to furnish to each agency the payments made from the fund applicable to each agency and such agency is to include in its annual budget estimates a request for an appropriation equal to such costs; when such sums become available, they are to be deposited to the credit of the Employees Compensation Fund (5 U.S.C. 814(b)). The request for 1996 reflects the actual billing based on costs incurred during 1994.

9. Federal Employees Compensation Act - Unemployment Compensation redistribution

The Omnibus Reconciliation Act of 1980 (P.L. 96-499) requires that a percentage of the unemployment benefits paid by State agencies to former Federal employees, based on Federal service performance after December 31, 1980, be reimbursed to the Federal Employees Compensation Account of the Unemployment Trust Fund by the Federal agencies. The request for 1996 reflects the actual billing (both increases and decreases) for 1994.

10. GSA rent

Public Law 92-313, Public Building Amendments Act of 1972, authorizes and directs the Administrator of the General Services Administration (GSA) to charge for the use of space furnished. Additional space for new positions and other purposes is contained within each of the program increase requests. GSA will continue to charge rental rates that approximate those

charged to commercial tenants for equivalent space and related services. The increases vary based on the buildings that each organization is actually occupying.

8. Funds are requested for other mandatory items not specifically mandated by statute, Executive Order, or other Presidential directive. These increases are necessary to maintain program at the previously requested or currently authorized level of operation. Some are particularly sensitive to price changes and all are mandatory to the extent that they involve cost increases that must be paid and their denial would adversely affect the health and welfare standards already established for prisoners, create pay inequities in the compensation of various categories of Government employees, or significantly affect the level of activity provided by a program. In some instances, the increase requested consists of a mixture of costs increased by statute, Executive Order, or other government-wide regulations, as well as costs relating to market price changes, e.g., paper, fuel, and toll rate changes. The categories are itemized below.

1. Within-grade increases

This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The amount includes pay and benefits.

2. Foreign allowances

Standard regulations that apply to Government civilians in foreign areas state that certain allowances may be paid to personnel serving in civilian status overseas. These include: quarters allowance, post allowance, post differential and education allowance. Amounts of these allowances, which are determined by the Department of State based on location, will increase by an average of 5 percent over the budgeted amount for 1994.

3. Postal rate increase

The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp.

4. Project EAGLE maintenance

Initial installation of workstations and other equipment in 1994 was done on a 36-month lease-to-ownership-plan. Maintenance of installed equipment and annualized contract administration and overhead costs as required by the EAGLE contract are needed for 1996. An increase is required for 1996.

5. Medical costs

The Department of Health and Human Services is projecting an increase in health care costs. An inflation factor of 5.3 percent based on the Consumer Price Index is being applied against medical services for care of persons in the custody of the Department.

6. Distributed Administrative Support

Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS which anticipates a 10-percent increase in foreign operations costs.

7. General pricing level adjustments

This request applied to OMS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.

C. Adjustments to base are made for non-policy decreases in both nonrecurring items and mandatory items.

1. Federal Employee Retirement System (FERS)

Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4 percent.

2. Procurement Savings

This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system.

3. Federal Telecommunications System (FIS) 2000

This decrease reflects FIS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings consistent with the President's commitment regarding administrative cost reductions.

Department of Justice
SUMMARY OF CHANGES IN JUSTIFICATION

SKETCHES

Violent Crime Reduction Programs (VCRP) - New accounts, derived from the Violent Crime Reduction Trust Fund, are requested for the following accounts: General Administration, Administrative Review and Appeals, Community Oriented Policing Services, U.S. Attorneys, U.S. Marshals (USMS), Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Immigration and Naturalization Service (INS), and the Office of Justice Programs (OJP). These accounts will be used to fund the authorized purposes of the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). Additional accounts enacted for INS and OJP in 1995 have been merged in the single INS and OJP VCRP accounts listed above.

The Administration is proposing \$1,864,200,000 to be used for implementation of a series of Department of Justice crime fighting strategies, to initiate comprehensive programs to reduce illegal immigration and for several State and local grant programs.

Grant funding requested would provide assistance to State and local governments and to other public and private entities, to increase police presence; to reorient the affected law enforcement agency's mission toward community-oriented policing; and otherwise enhance public safety. Funds would also be granted to States for the Correctional Facilities Grant program to assist States to expand correctional facility capacity and for Correctional Options such as Boot Camps, for the Drug Court program in order to develop and implement programs for non-violent offenders with substance abuse problems, for the Criminal Records Upgrade program to improve their criminal records identification systems to facilitate record checks and funds to develop a national instant records check system, for the Violence Against Women Act grants, for the State Criminal Alien Assistance program and for several other law enforcement, prevention, drug treatment and correctional programs.

Immigration-related investments are also proposed in four areas: Border Control and Management, Worksite Enforcement and verification, Detention and Removal of Criminal and Other Deportable Aliens, and Assistance to States and Improving Customer Service.

Administrative Review and Appeals - The 1996 request for the General Administration (GA) account has been requested in two separate accounts. A new account, Administrative Review and Appeals, which contains the funding request for the Executive Office for Immigration Review and the Pardon Attorney is requested. These two functions, which have grown to be almost half of the GA account, are proposed 5 base for Salaries and expenses includes a transfer of 6 positions, 6 workyears and \$9,219,000 from the Community Relations Service for assuming the responsibility for the care of detained Mariel Cubans.

Telephones Carrier Compliance - A new account in the FBI is proposed to receive a surcharge collected on criminal and civil fines, which will be used to compensate common carriers for modifications to digital communications systems to enable Government deciphering of messages sent via these systems. The language proposing the surcharge and the use of the funds will be transmitted separately by the Administration.

Border Services User Fee - A new INS user fee is proposed that will contribute to the cost of immigrations and customs enforcement operations at land border ports of entry and will provide improved service to border crossers. Language for this fee will also be provided separately by the Administration.

Content

Office of the Inspector General (OIG) - A transfer of \$5,000,000 from INS is proposed. These funds, which have previously been provided to the OIG through a reimbursable agreement, will be used for immigration fee account audits.

U.S. Trustee (UST) Fee Increases - The Department has requested an increase of 55 positions and \$3,321,000 in offsetting collections so that UST can enhance the supervision of Chapter 11 cases, strengthen professional fee oversight, and reform the post confirmation process. Under the proposed fee change a Chapter 11 debtor would continue paying quarterly fees after confirmation under the case is closed or converted to Chapter 7.

Federal Bureau of Investigation (FBI) - The request for FBI includes \$82,224,000 in defense-related spending, which is classified under function 054.

Concept

Pay Raises - The Administration has proposed that Federal Government employees receive a 2.4 percent pay raise in 1996. Funding of a 2.2 percent pay raise for the three quarters of the year it will be effective is included in the request for the FBI, DEA, Border Patrol (INS), USMS, OGP, Foreign Claims Settlement Commission, Community Relations Service, and OIG. Program reductions necessary to absorb pay raise requirements are shown for all other accounts.

Program Changes

Federal Telecommunications System (FTS) 2000 - The Administration is anticipating reductions to FTS 2000 costs based on greater system efficiencies. This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions.

Procurement Savings - The Administration has proposed reductions based on expected savings as the procurement system is made more effective and efficient. This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review.

Federal Employees Retirement System - Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The agency contribution for law enforcement agents fell from 27.3 percent to 24.3 percent and for non-law enforcement agents from 12.9 to 11.4 percent. This reduction is reflected in individual account requests.

DEPARTMENT OF JUSTICE
1998 APPROPRIATION LANGUAGE CHANGES

General Administration. One-time language associated with the 1995 General Services Administration (GSA) rent reduction of reimbursable resources is deleted. This language is deleted for each appropriation throughout the Department's language.

Violent Crime Reduction Programs (VCRP). General Administration. Language is proposed to request funding of \$15,500,000 pursuant to Section 190001 (b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for the Joint Automated Booking Station, which will improve current booking procedures, and the Freedom of Information and Privacy Act Laboratory, which will eliminate redundant search and retrieval procedures. Language associated with funding for immigration initiatives is deleted. This language is included in the VCRP account for Administrative Review and Appeals.

Community Oriented Policing Services. Language is proposed to request funding of \$1,902,960,000 pursuant to the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for Public Safety and Community Policing Grants as authorized by Section 10003, Police Corps Grants authorized in Section 200101, Law Enforcement Scholarship Program authorized in Section 200201, and Police Recruitment Grants authorized in Section 30801. From these funds, \$1,947,000 is to be provided to the Office of Justice Programs, Justice Assistance account for costs associated with the management and administration of these programs.

Office of the Inspector General. Language is proposed to delete one-time language associated with the GSA rent reduction from reimbursable resources.

Administrative Review and Appeals. Language is proposed to establish Administrative Review and Appeals as a separate appropriation. The Administrative Review and Appeals decision unit will be transferred out of the General Administration appropriation. This activity includes the Office of the Pardon Attorney and the Executive Office for Immigration Review.

VCRP, Administrative Review and Appeals. Language is proposed to request funding of \$33,180,000 pursuant to Sections 130005 and 130007 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). The portion relating to the Executive Office for Immigration Review supporting the President's immigration initiatives will be transferred out of the VCRP, General Administration to establish this new appropriation.

Salaries and Expenses, General Legal Activities. Language deleting the GSA rent reduction is proposed. Language is also proposed increasing resources available to process cases under the National Childhood Vaccine Injury Act of 1986 from \$2,500,000 to \$4,028,000, which reflects the actual cost incurred by the Civil Division.

VCRP, General Legal Activities. Language is proposed to request funding of \$7,591,000 pursuant to Section 130005 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for expeditious deportation of denied asylum applicants.

Salaries and Expenses, Antitrust Division The phrase "from the General Fund" is added to make it clear that the source of appropriated funding for the Division is the General Fund of the U.S. Treasury

Salaries and Expenses, United States Attorneys Language is proposed to delete one-time language associated with the GSA rent reduction for reimbursable resources

Language is proposed to continue operations of the Violent Crime Task Force initiatives.

Provision is made for \$6,000,000 to be available until expended for the supervision of the International Brotherhood of Teamsters national election.

VCRP, United States Attorneys Language is proposed to request funding of \$14,731,000 pursuant to Sections 130005, 190001 (d) and 40114 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) to meet the increased demands for litigation and related activities that will result from enactment of such Act, to provide funding for anti-violent crime programs, victim's counselors, and immigration programs

Salaries and Expenses, United States Marshals Service Provision is made for \$3,000,000 to be available until expended for extraordinary security requirements at high threat trials

A provision is also requested allowing fees received for the cost of maintaining and transporting prisoners to be credited to this appropriation and to remain available until expended to fund the cost of such services.

VCRP, United States Marshals Service Language is proposed to request funding of \$16,500,000 pursuant to Section 190001 (b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) to provide the personnel necessary to ensure that new and renovated Federal courthouses can open on schedule with adequate security

Salaries and Expenses, Community Relations Service Language is proposed that would allow the Attorney General to transfer resources from the Immigration and Naturalization Service, Salaries and expenses appropriation to the Community Relations Service (CRS) in the event that the number of resettlements projected exceeds the number of resettlements CRS can fund with its appropriation, due to an unanticipated influx of Cubans and Haitians.

United States Trustee System Fund Language is proposed to delete one-time language associated with the GSA rent reduction from reimbursable resources.

Federal Bureau of Investigation Language is proposed to delete one-time language associated with the GSA rent reduction from reimbursable resources.

Language is also proposed to delete the "not to exceed" phrase related to funding for automation of fingerprint identification services. This will provide the Federal Bureau of Investigation (FBI) with greater flexibility in the contracting process.

VCRP, Federal Bureau of Investigation Language is proposed to request funding of \$46,500,000 pursuant to Sections 190001(b), 210501(c)(2)(3) and 210306 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) the latest technological developments and advancements into the following law enforcement capabilities: Digital Telephony Development and Acquisition, Federal Wireless Communications, Forensic Deoxyribonucleic Acid (DNA) Analysis, Training and Investigative Assistance and FBI Academy Capital Improvements.

Drug Enforcement Administration The requested number of passenger motor vehicles for police-type use that may be purchased without regard to the purchase price limitation is 1,263, of which 1,178 are for replacement only.

Language is proposed to delete one-time language associated with the GSA rent reduction from reimbursable resources.

Language is proposed to transfer \$15,000,000 to the Diversion Control Fee (DCF) Account for operating expenses. This provision allows resources that remain in the Drug Enforcement Administration (DEA) appropriation (to satisfy Budget Enforcement Act requirements) to be transferred rather than reimbursed to the DCF account

VCRP, Drug Enforcement Administration Language is proposed to request funding of \$12,000,000 pursuant to Section 180104 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for hiring additional DEA agents.

Immigration and Naturalization Service Language is proposed to repeal Section (q)(5)(A) of the Immigration and Nationality Act of 1952, as amended, which prohibits pilot border crossing lanes on the Southern border, except in California, and would otherwise sunset the program on September 30, 1998.

Language is also proposed to allow the Attorney General to transfer up to \$30 million to the Department of Labor and the Social Security Administration in order to set up programs to verify the immigration status of persons seeking employment (employment verification system).

Construction and Immigration Emergency Fund Language providing one-time 1995 appropriations is deleted.

VCRP, Immigration and Naturalization Service Language is proposed to request funding of \$335,488,000 pursuant to Sections 130005, 130006, 130007 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for the expeditious deportation of denied asylum applicants, improving border controls, expanding special deportation proceedings and to establish and operate a Criminal Alien Tracking Center. Language providing two separate VCRP appropriations in 1995 is deleted.

Federal Prison System, Salaries and Expenses The number of motor vehicles which may be purchased has been increased from 736 to 853, of which 559 are for replacement only.

Language is proposed to delete one-time language associated with the transfer of balances for the care of Mariel Cubans.

VCRP, Federal Prison System Language is proposed to request funding of \$13,500,000 pursuant to Section 32001(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) for substance abuse treatment in Federal prisons

Office of Justice Programs, Justice Assistance A provision providing funding for mission alzheimer patients is deleted. This program is now funded under VCRP

VCRP, Office of Justice Programs Language is proposed to request funding of \$1,566,236,000 pursuant the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322). This language will provide for the consolidation of the six different appropriation that were funded in 1995 from the Violent Crime Reduction Trust Fund and for a number of new State and local assistance programs established under the Violent Crime Control and Law Enforcement Act of 1994.

State and Local Law Enforcement Assistance A provision relating to Correctional Options Grants is deleted. No funds are requested for these grants in 1996

A provision dealing with funding for the Anti Car Theft Act of 1992 is deleted. Funds for a similar program are included in the VCRP request.

A provision is requested allowing outstanding balances provided for authorities now under the State and Local Law Enforcement Assistance appropriation to be merged with this account. This is requested in order to simplify administration of these grants.

Juvenile Justice Programs Provisions dealing with three juvenile programs are deleted because funding now is provided in the VCRP appropriation.

A provision allowing outstanding balances from Juvenile Justice programs enacted prior to 1995 to be merged with this appropriation is requested. This provision would greatly simplify administration of these grants

GENERAL PROVISIONS - DEPARTMENT OF JUSTICE

The following sections are proposed for 1996. Sections 101 through 105 are unchanged from the 1995 provisions.

Section 101, stating that a total of not to exceed \$45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General, is unchanged from the 1995 provision.

Section 102 continues the authorizations contained in Public Law 96-132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980" until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier. This section is unchanged.

Section 103, which is unchanged, states that none of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, an abortion.

Section 104 states that nothing in the preceding section shall remove the obligations of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility; and that nothing in this section in any way diminishes the effect of section 103 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons. This section also is unchanged.

Section 105 states that pursuant to the provisions of law set forth in 18 U.S.C. 3071-3077, not to exceed \$5,000,000 of the funds appropriated to the Department of Justice in this title shall be available for rewards to individuals who furnish information regarding acts of terrorism against a United States person or property. This section also is unchanged.

Section 106 states that not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfer. This transfer authority does not apply to the Office of Justice Programs, Justice Assistance appropriation. This section is changed to extend this transfer authority to those appropriations derived from the Violent Crime Reduction Trust Fund.

Section 107 proposes that for fiscal year 1996 and thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund. This language continues the authority provided in 1995 and proposes to make such authority permanent.

Section 108 (section 110 in 1995) amends section 524(c)(9) of title 28, U.S. Code, as amended, by allowing any excess unobligated balances remaining in the Assets Forfeiture Fund on September 30, 1995, to be used by the Attorney General for any authorized purpose of the Department of Justice. This section is changed from the 1995 provision only by the extension of the date from September 30, 1994.

The new section 109 would amend 28 U.S.C. 1930(a)(6) to extend the quarterly fee payments by debtors under Chapter 11 of the Bankruptcy Code to include the period from when a reorganization plan is confirmed by the Bankruptcy Court until the case is converted or dismissed. The changes proposed to 28 U.S.C. 589a would permit the quarterly fees collected after a reorganization plan is confirmed to be deposited as offsetting collections in the United States Trustee System Fund to offset the cost of the United States Trustee Program's proposed 1996 chapter 11 post-confirmation initiative.

The new section 110 continues the undercover operations authorities for the Federal Bureau of Investigation (FBI) and Drug Enforcement Administration of the Department of Justice through 1998. Identical language, contained in the Department of Justice and Related Agencies Appropriations Act, 1993, was effective through fiscal year 1995, and should be renewed for fiscal year 1996, if undercover law enforcement investigations are to be continued.

The new section 111 authorizes expenditures from the Federal Prison System's Commissary Fund in order to pay costs associated with the installation, operation and maintenance of an Inmate Telephone System.

The following sections are proposed for deletion and do not appear in the 1996 request.

General Provisions - Title VIII For fiscal year 1996, the Violent Crime Reduction Trust Fund appropriation amounts appear in each appropriation instead of under a single title.

Section 108 This section permanently cancelled resources for procurement and procurement-related savings and, thus, is no longer required in 1996.

Section 109. This section provides that, for fiscal year 1995 and thereafter, the Department may receive and retain reimbursement for salaries and expenses for litigation involving unusually high costs. Since this provision is permanent it is not repeated in 1996.

Section 111 This section permanently amended Public Law 103-121 (107 Stat. 1161) to add "and California". It allows pilot border crossing points to be established in California.

Section 112. This provision, which extended the authorization of the Victims of Crime Act of 1984, has been overtaken by the passage of the Violent Crime Control Enforcement Act of 1994.

Section 114. This section served a one-time need as a forum for Congressional intent.

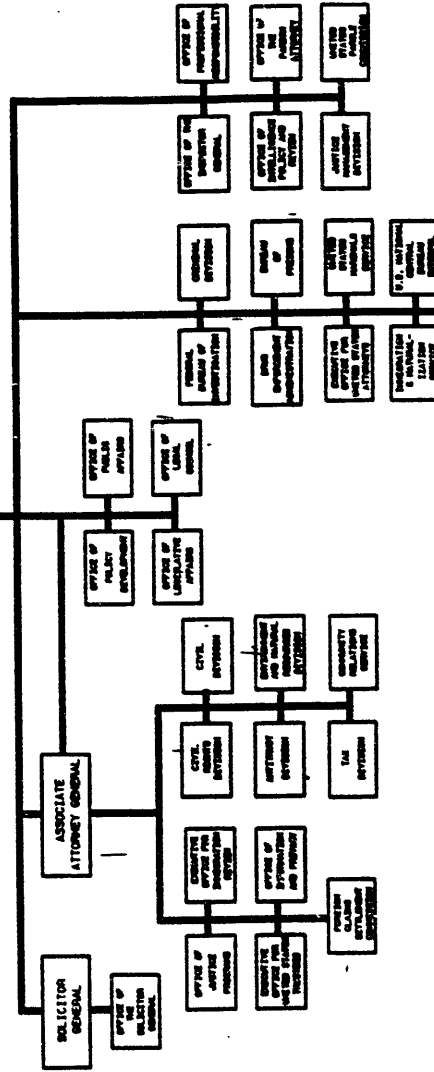
Section 115. This provision pertained to a one-time personnel action for employees of the Criminal Justice Information Services Division of the FBI. This will allow such employees to be appointed to career positions in the competitive service of the Federal Government.

Department of Justice
General Administration
Estimates for Fiscal Year 1996
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ATTORNEY GENERAL

DEPUTY
ATTORNEY GENERAL



Approved: [Signature] Date: 08/08/94
JANET RENO
Attorney General

**General Administration
Salaries and Expenses
Summary Statement
Fiscal Year 1996**

The General Administration appropriation is requesting a total of \$75,220,000, 639 permanent positions, and 642 workyears in 1996. This request represents a decrease of \$46,516,000, 475 positions, and 561 workyears from the 1995 Appropriation anticipated. As a result of the Administration's heightened attention to pardon and clemency petitions and immigration related activities, a decision was made during the 1995 budget process to transfer the Administrative Review and Appeals decision unit out of the General Administration appropriation and establish it as a new appropriation entitled Administrative Review and Appeals.

The primary mission of the General Administration appropriation is to support the Attorney General and Department of Justice senior policy level officials in managing Department resources and developing policies for legal, law enforcement, and criminal justice activities. Providing administrative support services to the legal divisions and policy guidance to all Department organizations is also part of the primary mission of this appropriation. The gist of this appropriation are accomplished through the decision unit activities of Program Direction and Policy Coordination. The major 1996 initiatives and resource requests for these activities are summarized below.

Program Direction and Policy Coordination

This budget activity includes resources for the offices that support the following programs: Department Leadership, Executive Support, Intelligence Policy and Professional Responsibility, and the Justice Management Division.

The **Department Leadership** program consists of the Offices of the Attorney General, the Deputy Attorney General (including the Executive Office for Asset Forfeiture), and the Office of the Inspector General. These offices provide administrative support to the Administration of Justice in the United States; representing the United States in civil and criminal law matters; and providing advice and opinions on legal issues to the President, Members of the Congress, and the heads of Executive Departments and agencies. The Department Leadership request reflects a program decrease of \$121,000 to provide sufficient funding for the 1996 pay raise.

The **Executive Support** program consists of the Office of Policy Development, the Office of Public Affairs, and the Office of Legislative Affairs. The Executive Support program has several missions. These include conducting legal and policy analysis in support of Department initiatives in the many policy areas in which the Justice Department has jurisdiction or responsibility; ensuring that the Department advances its legislative goals by presenting its positions clearly and well to the Office of Management and Budget and Congress; informing Department personnel, the media, and the public of Department activities; advising the Attorney General and other Department officials on their legal responsibilities; and providing administrative support to the Department's professional groups and the White House Office of Intergovernmental Affairs. The Executive Support request reflects a program decrease of \$165,000 to provide sufficient funding for the 1996 pay raise.

The **Intelligence Policy and Professional Responsibility** program consists of the Office of Intelligence Policy and Review and the Office of Professional Responsibility. The Office of Intelligence Policy and Review is responsible for ensuring that the management initiatives of the President, the Attorney General, and the Congress are implemented soundly and responsibly and that administrative support services are delivered to Department organizations efficiently and effectively. The OIPR provides organizations with policy guidance and/or direct support in the areas of personnel, equal employment opportunity, training, procurement, management, budget, financial policy, facilities planning, and security. A program decrease of \$55,000 is proposed to provide sufficient funding for the 1996 pay raise. This reduction will be taken across all OIPR programs.

The **Justice Management Division (JMD)** is responsible for ensuring that the management initiatives of the President, the Attorney General, and the Congress are implemented soundly and responsibly and that administrative support services are delivered to Department organizations efficiently and effectively. The JMD provides organizations with policy guidance and/or direct support in the areas of personnel, equal employment opportunity, training, procurement, management, budget, financial policy, facilities planning, and security. A program decrease of \$55,000 is proposed to provide sufficient funding for the 1996 pay raise. This reduction will be taken across all JMD programs.

Administrative Review and Appeals

The Administrative Review and Appeals decision unit is being transferred out of the General Administration appropriation and is to be reflected as a new appropriation beginning in 1996.

General Administration
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 1966 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses	\$73,220,000
For expenses necessary for the administration of the	
Department of Justice, (\$120,185,000); of which	
not to exceed \$3,317,000 is for the Facilities Program	
2000, to remain available until expended (Provided, That	
of the offsetting collections credited to this account,	
\$37,000 are permanently cancelled).	

(S. U. S. C. 1105(a); 28 U. S. C. 501, 502, 503, 507-509, 1970;
Department of Justice and Related Activities Administration Act,
1965)

Explanation of changes

1. No substantive changes proposed.

**General Administration
Science and Business
System of 1995 Changes
(Dollars in Thousands)**

Activity/Program	1995 Request #/Amount		Congressional Appropriation Action on 1995 Request		Absorption of Unfunded 1995 Pay Rate		Reprogramming		1995 Availability			
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount		
1. Program Direction and Policy Coordination												
Department Leadership	58	65	58	\$9,023					58	65	\$9,023	
Executive Support	76	90	76	9,487					76	90	9,487	
Intelligence Policy & Prof. Response	24	27	24	2,985			4	4	28	31	3,273	
Justice Management Division	398	411	398	48,698			(3)	(3)	395	418	48,410	
Subtotal	556	623	556	70,193			1	1	557	624	70,193	
2. Administrative Review and Appeals												
	699	995	(12)	(6)	(51,082)				557	577	49,450	
Total	1,255	1,218	(12)	(6)	(1,092)			1	1	1,114	1,201	119,643

Congressional Appropriation Actions

Congress provided the requested adjustments to base, the requested decrease of 15 positions, 15 workyears, and \$81,000 for locality pay absorption, a decrease of \$906,000 for administrative savings, and a decrease of 21 positions, 21 workyears, and \$1,394,000 for FTE savings. Congress also provided 4 positions, 4 workyears, and \$281,000 for the Office of the Pardon Attorney. However, 12 positions, 6 workyears, and \$1,082,000 for the Executive Office for Immigration Review (EOIR) was not provided.

Absorption of Unfunded 1995 Pay Rate

EOIR had to absorb 10 FTE to support a portion of the unfunded 1995 pay rate.

Reprogramming

The reprogramming of 3 positions, 3 workyears, and \$288,000 reflects the permanent effect of the May 20, 1994 reprogramming notification from the Justice Management Division (JMD) to the Office of Professional Responsibility (OPR). In the narrative accompanying the notification, it was stated that a portion of the reprogramming was of a permanent nature and would carry into 1995.

General Administration
Reimbursable Resources
Summary of Reimbursements
(Dollars in Thousands)

	1994 Actual			1995 Estimate			1996 Request			Increase/Decrease		
	For	WT	Amount	For	WT	Amount	For	WT	Amount	For	WT	Amount
Collection by Source:												
American Express	4	4	\$150	8	8	\$155	8	8	\$155	...	...	...
Bureau of Prisons	1	1	212	2	2	220	2	2	220	...	...	...
Drug Enforcement Administration	2	2	542	7	7	583	7	7	583	...	...	...
Executive Office of U.S. Attorneys	...	...	507	...	...	522	...	...	522	...	...	...
Executive Office of U.S. Trustees	4	4	1,853	4	4	1,807	4	4	1,807	...	...	...
Federal Bureau of Investigation	3	3	1,826	6	6	1,800	6	6	1,815	...	...	...
General Legal Activities	36	36	2,119	36	36	2,260	36	36	2,260	...	...	...
Immigration & Naturalization Service	13	13	1,425	...	...	...	...	...	...	...	...	...
Organized Crime & Drug Enforcement	1	1	433	2	2	440	2	2	440	...	...	...
U.S. Marshals Service	20	20	9,928	38	38	12,265	38	38	12,265	...	...	...
U.S. Department of State	12	12	2,802	25	25	3,759	25	25	3,759	...	...	...
All Other	112	112	22,352	128	128	24,765	110	110	15,000	(18)	(18)	(9,765)
Budgetary Resources												

**General Administration
Reimbursable Resources
Summary of Requirements
(Dollars in Thousands)**

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Pos.	W.Y.	Pos.	W.Y.	Pos.	W.Y.	Pos.	W.Y.
Obligations by Program:								
Department Leadership	44	44	\$10,843	38	38	\$5,569	...	...
Executive Support	38	38	2,815	36	36	3,000	...	...
Intelligence Policy & Professional Responsibility	3	3	231	3	3	231	...	...
Justice Management Division	27	27	7,413	51	53	5,200	(18)	(18)
Administrative Review & Appeals	...	...	1,050	...	...	...	...	...
Total	112	112	22,352	128	110	15,000	(18)	(9,765)

Justification of Increase/Decrease, Department Leadership:

The reimbursements in Department Leadership are funding workyears and programs. The largest reimbursable program is the International Criminal Investigative Training Assistance Program (ICITAP), funded by the Department of State. ICITAP provides criminal investigation training to democratic nations in the Caribbean, Central America, South America, and parts of Eastern Europe. It is anticipated that ICITAP will be transferred to the Criminal Division in 1996. Therefore, anticipated reimbursements are expected to decrease.

Justification of Increase/Decrease, Justice Management Division:

The reimbursements received by the Justice Management Division (JMD) are for various services provided to Department organizations. The reimbursements JMD is receiving are largely for goods and services in four areas: procurement services, security services, motor vehicle services, training, and office automation assistance. The 1996 request more accurately reflects the number of FTE that are anticipated to be funded through reimbursements and is based on preliminary data.

Justification of Increase/Decrease, Administrative Review & Appeals:

The Administrative Review and Appeals decision unit is being transferred out of the General Administration appropriation and is to be reflected as a new appropriation beginning in 1996.

General Administration
Salaries and Expenses
Priority Guidelines

Program	Ranking
Department Leadership	1
Intelligence Policy & Professional Review	2
Justice Management Division	3
Executive Support	4

General Administration
 Salaries and Expense
 Detail of Personnel Positions by Category
 FISCAL YEAR 1994 - 1995

Category	1994			1995			1996		
	Authorized	Reimbursable	Authorized	Reimbursable	Authorized	Reimbursable	Technical Adjustment	Other	Total Reimbursable
Atorneys (900).....	322	13	320	14	322	14	...	...	138
Paralegals (900).....	12	15	13	15	13	15	...	6	13
Other Legal & Related (900-999).....	135	...	135	...	135	...	...	...	2
Gen. Admin./Clerical (900-999).....	283	62	253	71	252	71	...	...	148
Information and Arts (1000-1099).....	144	...	138	...	138	...	...	...	37
Business & Industry (1100-1199).....	23	7	24	11	24	11	...	...	24
Security Specialist (900).....	46	7	43	7	43	7	...	...	57
Personnel Management (200-299).....	39	...	34	...	34	...	...	...	50
Accounting/Budget (300-399).....	54	8	54	6	54	6	...	...	74
Library (1400-1499).....	31	...	31	...	31	...	...	...	34
Equipment, Facilities, and	...	...	...	...	...	...	...	...	...
Service Group (1600-1699).....	5	...	4	...	4	...	...	...	12
Supply Group (2000-2099).....	19	...	19	...	19	...	...	...	19
Motor Vehicle Operations (3700).....	11	...	10	2	10	2	...	...	10
Miscellaneous Operations (610-699).....	29	...	29	...	29	...	...	...	29
Total.....	1,157	112	1,113	128	1,114	128	82	4	439
Washington.....	772	112	742	128	743	128	82	4	439
U.S. Field.....	385	...	371	...	371	...	...	...	...
Total.....	1,157	112	1,113	128	1,114	128	82	4	439

General Administration
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work Years	Amount
Adjustments to base:			
1991 as enacted.....	1,113	1,212	\$120,185
Absorption of unfunded 1995 pay raise.....	---	(10)	(542)
Procurement savings.....	---	---	---
Effect of 1994 reprogramming.....	---	---	---
1995 availability.....	1	1	---
Transfer to and from other accounts:			
Executive Office for Asset Forfeiture (EOAF) to Criminal Division.....	(4)	(5)	(365)
New Administrative Review and Appeals (ARA) appropriation.....	(357)	(579)	(49,450)
Mandatory increases:			
One additional compensable day.....	---	---	197
Annualization of 1995 pay raise.....	---	---	905
1996 pay raise.....	---	---	869
Within-grade increases (WIG).....	---	---	1,161
Health benefits.....	---	---	155
Accident compensation.....	---	---	42
Unemployment compensation.....	---	---	82
Supplemental retirement contribution.....	---	---	60
General Services Administration (GSA) rent.....	---	---	1,005
Project EAGLE maintenance.....	---	---	4
Postal rate increase.....	---	---	33
General pricing level adjustments.....	---	---	218
Total, mandatory increases.....	---	---	4,731
Decreases:			
Federal employee retirement system.....	---	---	(224)
Procurement savings.....	---	---	(339)
Federal telecommunications system 2000.....	---	---	(137)
Total, decreases.....	---	---	(700)
Other adjustments to base:			
Technical adjustment to permanent positions.....	82	---	---
Other resource realignment.....	4	23	239
1996 base.....	639	642	71,098
Program changes:			
Absorption of 1996 pay raise.....	---	---	(869)
1996 estimate.....	639	642	71,229

**General Administration
REVENUES AND EXPENSES
California State Department of Corrections
(Dollars in thousands)**

	Pos.	Est.	Amount
	(4)	(5)	(3)
Transfers to and from other accounts:			
1. Executive Office for Asset Forfeiture			
The Department received Office of Management and Budget (OMB) and Congressional approval to reassign the Executive Office for Asset Forfeiture (EAF) Policy and Oversight (EO) to the Office of the Deputy Attorney General to the Criminal Division. The realignment of these functions will provide more effective management of the Department's important law enforcement costs.			
2. Administrative Review and Appeals			
The Department received OMB approval to transfer the Administrative Review and Appeals (AR) decision unit out of the General Administration and into the Department of Corrections, beginning in 1996. AR consists of the Executive Office of Immigration Review (EOIR) and the Office of the Bardon Attorney (OBA).	(537)	(579)	(49,450)
MANDATORY INCREASES:			
1. One Additional Comparable Day			
The annual salary rate for federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as for the additional pay (\$142,000 for pay and \$55,000 for benefits).	...	...	197
2. 1996 Pay Raise			
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$609,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$627,000 for pay and \$242,000 for benefits).	...	...	869
3. Accumulation and Increase of 1995 Pay Raise			
This annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective January 1996 plus the appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$655,000 for pay and \$252,000 for benefits).	...	...	905
4. Within-grade Increases			
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include within-grade increases, and career ladder advice to reflect promotion policy for each organization. The request includes \$437,000 for pay and \$154,000 for benefits.	...	...	1,161
5. Health Benefits			
The Department's health benefits are 10.1 percent of the total rate. The Department's health benefits are 10.1 percent of the total rate commencing in 1995. This rate was subsequently increased to 12 percent. The requested increase of \$155,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1996 projected for a full year.	...	...	155
6. Accident Compensation			
This request reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1994 of employees' accident compensation.	...	...	42
7. Unemployment Compensation			
This request reflects the billing provided by the DOL for employees' unemployment compensation. An increase of \$42,000 is required to meet our commitment to DOL.	...	...	42

Other Adjustments to Base:		Est.	WFLS	Amount
1.	<u>Technical Adjustment to Permanent Positions</u> The General Administration has defined the term "positions" to be any type of "permanent" slot being filled. Based on this definition, the total number of "permanent" employees currently being employed in the General Administration is 82. There is no funding currently authorized for each of these positions. The technical adjustment requested is to realign positions with workyears so that the difference between the two will be zero. This realignment will also allow the Department, as well as each office, to focus on the types of positions to be reduced when faced with possible future reductions in workyear levels.	82	...	...
2.	<u>Realignment of Resources</u> The Department is currently in the process of realigning resources within the General Administration appropriation as provided by the Department during the 000 Budget process.	4	23	\$239
Total adjustments to base.....		(295)	(361)	(656)

**General Administration
Salaries and Expenses
Summary of Requirements by Grade and Other Class**

Object Class	1991 Actual		1992 Estimate		1993 Request		Increase/Decrease	
	Wtgs.	Amount	Wtgs.	Amount	Wtgs.	Amount	Wtgs.	Amount
11.1 Total workyear & personnel compensation	1,159	\$59,047	1,137	\$60,322	615	\$36,769	(522)	(\$23,553)
8.3 Other than full-time permanent	42	2,028	66	3,212	27	1,345	(19)	(1,407)
8.5 Other personnel compensation	13	1,442	13	1,523	7	1,348	(6)	(135)
8.8 Special personal services payments								
Total	1,214	62,517	1,216	65,057	649	39,502	(567)	(\$25,555)
Residuals by workyear								
Full-time permanent	[112]		[128]		[110]		[18]	
Other Object Classes:								
12.0 Personnel benefits	12,215	12,508			7,251		(5,257)	
13.0 Benefits to former personnel	1,236							
21.0 Travel and transportation of personnel	2,299	2,129			791		(1,508)	
22.0 Transportation of things	242	235			60		(175)	
23.1 OSA rent	13,348	13,302			8,699		(4,603)	
23.3 Comm., util., & other misc. charges	3,672	3,693			2,007		(1,686)	
24.0 Printing and reproduction	340	771			662		(322)	
25.1 Advisory and assistance services	290	303			312		9	
25.2 Other miscellaneous services	16,928	18,850			13,032		(3,818)	
26.0 Supplies and materials	3,304	2,159			1,499		(660)	
31.0 Equipment	2,189	1,764			341		(743)	
41.0 Grants, Subsidies, and Contributions	76							
42.0 Insurance claims and indemnities	36							
Total obligations	118,832	120,151			74,156		(44,695)	
Unobligated balance, start of year	(5,511)	(5,699)			(5,191)		308	
Unobligated balance, end of year	5,699	5,191			5,264		(505)	
Total requirements	119,000	119,641			79,329		(39,711)	
Relation of Obligations to Outlays								
Total obligations	118,832	120,151			74,156		(44,695)	
Obligated balance, start of year	21,020	7,114			13,968		(7,102)	
Obligated balance, end of year	(2,114)	(13,968)			(2,114)		0	
Outlays	132,738	113,287			86,067		(46,671)	

**Department Leadership
General Administration
Summary of Requirements
(Dollar in thousands)**

	Perm.	Per.	Per.	Per.
	Pos.	WY	WY	WY
	Amount	Amount	Amount	Amount
Adjustments to base:				
1995 as enacted	58	65	\$9,074	
Procurement savings				(31)
1995 availability	58	65	9,043	
Transfers to other accounts:				
Executive Office for Asset Forfeiture (EOAF) to Criminal Division	(4)	(5)	(965)	
Mandatory increases:				
One additional compensable day				26
Annualization of 1995 pay raise				114
1996 pay raise				121
Wife-in grade increase (WIGI)				131
Health benefits				11
Unemployment compensation				11
Accident compensation				9
Supplemental retirement contribution				199
General Services Administration (GSA) retirement				3
Postal rate increase				32
General pricing level adjustments				(45)
Decreases:				
Federal employee retirement system				(50)
Procurement savings				(11)
Federal telecommunications system 2010				
Other adjustments to base:				
Technical adjustment to permanent positions	3	65	6,369	
1995 base				

	1994 as Projected	1994 Actual	1995 Availability	1996 Base	1996 Estimate	1996 Increase/Decrease
	Pos.	WY	Pos.	WY	Pos.	WY
	Amount	Amount	Amount	Amount	Amount	Amount
Adjustments by position:						
Department Leadership:						
Attorney General	14	15	\$3,006	13	13	\$3,404
Deputy Attorney General	36	41	4,192	32	33	4,085
Associate Attorney General	13	14	1,543	14	14	1,322
Total	63	70	9,121	59	60	9,088
Reimbursable workyear	51	44	38	38	38	
Total workyear	121	114	101	98	98	

**General Administrative and Operational Leadership
Activities and Management
Justification of Program Performance
Activity Resource Summary
(dollars in thousands)**

	1992 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	MI	Perm.	MI	Perm.	MI	Perm.	MI
Department Leadership								
Attorney General.....	12	13	83,315	13	83,420	13	83,404	...
Deputy Attorney General.....	33	38	4,161	32	4,174	32	4,085	...
Associate Attorney General....	33	35	3,548	35	3,613	35	3,572	...
Total.....	58	65	9,023	59	9,209	59	9,060	...

GENERAL GOALS AND OBJECTIVES:

- To advise the President on Constitutional matters and legal issues involving the execution of the laws of the United States.
- To formulate and implement policies and programs that advance the administration of justice in the United States.
- To manage the Department of Justice.
- To provide executive-level leadership in: enforcing environmental and civil rights laws; protecting our Nation's borders; the continuing war on drugs; combating violent crimes; investigating and prosecuting fraud and other white collar crimes; and eliminating prison overcrowding.
- To provide executive-level oversight and management of: the asset seizure and forfeiture program; international law enforcement training and assistance; financial institutions reform, recovery, and enforcement programs; and investigative agency policy.
- To coordinate criminal justice matters with Federal, State, and local law enforcement and criminal justice agencies.
- To investigate, process, and make recommendations to the President on candidates for judicial and justice department Presidential appointments.

BASE PROGRAM DESCRIPTION: The Department Leadership Program consists of the Office of the Attorney General, Office of the Deputy Attorney General, and Office of the Associate Attorney General. The base program description for this program has not changed.

ACCOMPLISHMENTS AND ACHIEVEMENTS:

- Reorganized the Department of Justice by reassigning the policy and oversight functions of the Executive Office for Asset Forfeiture (EOAF) from the Office of the Deputy Attorney General (ODAG) to the Criminal Division, and reassigning ODAG's administrative management and operational functions to the JMO Working Capital Fund (JCF).
- Formerly established the Office of Community Oriented Policing Services (COPS) as a separate new office within the Department to be consistent with the Violent Crime Control Act of 1994.
- Established the Office of Tribal Justice (OTJ) within the ODAG, to be completely staffed by employees in detail from other relevant Department components.
- Established the Executive Office for National Security (EONS) within the ODAG to coordinate national security issues among various federal agencies and help shape national security policy.

Transferred the Executive Office for Organized Crime Drug Enforcement Task Force from the OIG to the Criminal Division.
Established the President's Prevention Council Office (PCO) in the Working Capital fund to provide the necessary staff support to implement the Duce of Prevention Council. This initiative is consistent with the Violent Crime Control Act of 1994.
In direct support of Vice President Gore's National Performance Review (NPR), established an internal working group to look a ways of improving the Department's efficiency and service to the public.

	1994 Base			1994 Estimate			Increase/Decrease		
	Pos.	MI	Amount	Pos.	MI	Amount	Pos.	MI	Amount
Department Leadership.....	59	60	\$9,209	59	60	\$9,000	...	...	(\$121)

The Department Leadership request reflects a program decrease of \$121,000. This reflects the absorption of the 1994 pay raise.

Executive Support
General Administration
Summary of Requirements
(Dollars in thousands)

	Perm.	
	Pos.	WY Amount
Adjustments to Base:		
1995 as enacted.....	76	90 \$9,536
Procurement savings.....	---	---
1995 availability.....	76	90 (49)
Mandatory increases:		
One additional compensable day.....	---	---
Annualization of 1995 pay raise.....	---	---
1996 pay raise.....	---	---
With - in grade increases (WIGI).....	---	---
Health benefits.....	---	---
Unemployment compensation.....	---	---
Accident compensation.....	---	---
Supplemental retirement contribution.....	---	---
General Services Administration (GSA) rent.....	---	---
Postal rate increase.....	---	---
General pricing level adjustments.....	---	---
Decreases:		
Federal employee retirement system.....	---	---
Procurement savings.....	---	---
Federal telecommunications system 2000.....	---	---
Other adjustments to base:		
Technical adjustment to permanent positions.....	---	---
1996 base.....	10	---
	86	90 10,065

	1994 as Enacted		1994 Actual		1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Majority by program												
Executive Support:												
Policy Development.....	36	43 \$4,686	37	39 \$4,233	35	41 \$4,712	39	41 \$5,068	39	41 \$4,980	---	---
Public Affairs.....	15	20 1,728	15	16 1,114	13	20 1,736	18	20 1,849	18	20 1,826	---	---
Legislative Affairs.....	21	30 2,596	27	27 3,001	26	29 2,999	29	22 3,148	29	29 3,114	---	---
Total.....	78	91 9,410	79	84 8,348	76	90 9,467	86	90 10,065	86	90 9,920	---	---
Reimbursable workyears.....	36	129	38	122	36	126	36	126	36	126	---	---
Total workyears.....	114	129	117	122	112	126	122	126	122	126	---	---

**General Administration/Executive Support
Internal and Executive
Justification of Goals and Performance
Activity of an Activity Center
(dollars in thousands)**

	1993 Availability		1994 Base		1995 Estimate		INCREASES/DECREASES	
	Pos.	VI	Pos.	VI	Pos.	VI	Pos.	VI
Executive Support	35	61	39	41	39	41	4	0
Policy Development	15	20	18	20	18	20	3	0
Public Affairs	28	29	22	22	22	22	0	0
Legislative Affairs	76	90	86	90	86	90	10	0
Total	154	200	165	173	165	173	11	0

GENERAL GOALS AND OBJECTIVES:

To improve the Department's effectiveness in providing substantive and timely input on the Administration's law enforcement initiatives as well as other legislative proposals affecting Department responsibilities.

To improve the process of reviewing and clearing through the Department legislative proposals initiated by other agencies within the Administration.

To maintain an efficient and responsive legislative liaison service operation.

To handle the processing of judicial and other nominations efficiently and responsibly.

To provide support in advancing the Administration's overall legislative agenda.

To assure policy consistency and coordination of Departmental initiatives, briefing materials, and policy statements.

To disseminate timely, accurate information about the Department, the Attorney General and the Administration's law enforcement priorities, policies and activities to the news media and the general public.

To enhance and promote the enforcement goals of the Department through distribution of news releases, coordinating press conferences and telephone and video conferences announcing indictments, settlements, and statements on civil rights, enforcement, criminal, anti-trust, and other Department enforcement activities.

To ensure that all applicable laws, regulations and policies involving the release of information to the public are followed so that material is not made public that might jeopardize investigations and prosecutions, violate rights of defendants or potential defendants or compromise national security interests.

EXTERNAL FACTORS:

The pace of Congressional consideration of specific legislative issues - particularly major legislative initiatives - is governed by numerous factors which are beyond the control of OLA, the Department, and, frequently, the Administration.

OLA and the Department have little control over the legislative priorities of other agencies as they forward their bills to the Department for internal clearance.

The volume and nature of matters requiring Department liaison - including correspondence - is both generally uncontrollable and unpredictable.

The timing of processing judicial and other nominations is governed by the nominee selection process.

BASE PROGRAM RECOGNITION: The Executive Support Program consists of the Offices of Policy Development (OPD), Public Affairs (OPA), and Legislative Affairs (OLA). These offices are responsible for: coordinating Department and Administration policy initiatives in the areas of civil and criminal justice; and ensuring that the public and the news media are kept informed about the activities and policies of the Department. The Attorney General, and the Administration in the fields of law enforcement and legal affairs.

ACCOMPLISHMENTS AND WORKLOAD:

Accomplishments of the Office of Policy Development:

- Reviewed all significant legislative policy reports and testimony for Congress from the Department, as well as reviewed hundreds of statements from other agencies through the OPA legislative clearance process. Took the leadership role with respect to a number of initiatives, including:
 - Attorney General's Violent Crime Report
 - Crime Bill
 - Violence Against Women Act
- Reviewed all proposed or final rules prepared by the Department. Coordinated the Department's reports and reviewed all of the Department's existing regulations.
- Promoted the President's Civil Justice Reform Initiative through preparation of reports, articles, and supporting materials.
- Participated in numerous intra-departmental working groups on issues such as asylum reform, civil liability for drug dealers, criminal aliens, child abuse, child support, juvenile justice, and Native American affairs.
- Contributed to the development of Departmental policies, procedures, and other guidance relating to the EAGLE automated resource system, including security safeguards, in participation with various EAGLE working groups and task forces.
- Supervised the work of the Office of Information and Privacy (OIP), which adjudicated approximately 2,000 appeals from denials of requests for access to records and processed approximately 1,000 requests for records under the Privacy Act of 1974 by any component of the Department, and responded to over 600 initial responses for access to records of the leadership offices of the Department.
- Continued a series of training programs for all government FOIA personnel.

Accomplishments of the Office of Public Affairs:

- The OPA facilitated all news stories and public relations activities regarding the Department. Public affairs specialists responded to all requests for public information within the Department.
- Answered approximately 30,000 telephone and 1,000 mail requests for information.
- Arranged and conducted approximately 10 news conferences and briefings each month, including regular Thursday morning availabilities for the media in the Attorney General's Office.
- Coordinated media appearances and events for Department officials while on travel.
- Met regularly with the advisory committee of U.S. Attorneys, and advised U.S. Attorneys on media problems in their districts.
- Disseminated several large-scale distributions of Justice Department reports, such as the report on the Indian Listening Conference.
- Met with groups visiting the Department of Justice.
- Aided efforts to win Congressional support for Departmental legislative initiatives and nominees to high Departmental posts.
- Upon request, provided guidance and selling points to the White House press office on information on specific Department initiatives and/or issues.

Accomplishment of the Office of Legislative Affairs:

- responded to approximately 10,000 telephone inquiries and over 10,000 letters from the Congress, tracked and monitored over 5,000 pieces of proposed legislation, and over 100 congressional hearings.

- Responded to approximately 10,000 telephone inquiries and over 10,000 letters from the Congress, tracked and monitored over 5,000 pieces of proposed legislation, and over 100 congressional hearings.
 - Worked with the Office of Policy Development (OPD) on requests for Administration reviews of Legislation from Congressional Committees and the Office of Management and Budget.
 - Worked with OPD to coordinate the testimony of Departmental witnesses at congressional hearings, and provided supplemental materials for the record. Monitored hearings and met-up sessions of importance to the Department.
- OLA handled the confirmation of several Judges and U.S. Attorneys.

PROGRAM CHANGES:	1996 Date	1996 Estimate	Increase/Decrease Per.

[illegible]

The Executive Support request reflects a program decrease of \$145,000 to provide sufficient funding for the 1996 pay raise.

**Intelligence Policy and Professional Responsibility
General Administration
Summary of Requirements
(Dollars in thousands)**

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General Administration/Intelligence Policy & Professional Responsibility
Salaries and Expenses
Auxiliary Information on Performance
Intelligence Policy and Professional Responsibility
(Dollars in thousands)

	1995 Availability		1996 Base		1996 Estimate		1996/1995 Increase/Decrease	
	Per.	VT	Per.	VT	Per.	VT	Per.	VT
Intelligence Policy & Professional Responsibility								
Intelligence Policy	14	14	\$1,531	14	14	\$1,591	...	(60)
Professional Responsibility...	14	17	1,742	21	19	2,279	...	(282)
Total.....	28	31	3,273	35	33	3,870	...	(44)

GENERAL GOALS AND OBJECTIVES:

To provide legal advice concerning intelligence and national security matters to the Attorney General and to other Executive Branch officials.

To participate in the development of legal aspects of national security and intelligence policy.

To prepare FBI and other applications for intelligence searches and surveillance and approve other counterintelligence investigative activities.

To represent intelligence agencies as legal counsel before the United States foreign intelligence surveillance court.

To participate in pre-trial litigation involving the Foreign Intelligence Surveillance Act in criminal prosecutions of espionage and international terrorism. To maintain liaison with the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to ensure they are apprised of Departmental views on national security and intelligence policy and are appropriately informed regarding operational intelligence and counterintelligence activities.

To improve and refine the Department-wide reporting system in which allegations of criminal or administrative misconduct against Department employees are reported, investigated and monitored.

To conduct, oversee, and coordinate all internal investigations of serious allegations concerning the conduct of Department personnel that may be in violation of law, Department regulations or orders, or applicable standards of conduct, and which affects the Department's ability to investigate, litigate, or prosecute. ** Please note that the objectives of the Office of Professional Responsibility (OPR) are different from the Office of the Inspector General (OIG) in that the OPR focuses on investigations concerning allegations of misconduct which affect the ability of the Department to investigate, litigate, or prosecute, while the OIG focuses its investigations on allegations of waste and abuse, and other matters which do not implicate the ability of the Department to investigate, litigate, or prosecute.

OFFICE PROGRAM DESCRIPTION: The Intelligence Policy and Professional Responsibility program consists of the Offices of Intelligence Policy and Review, and Professional Responsibility. These Offices are responsible for assisting the Attorney General and other senior Department and Executive Branch officials in ensuring that the Intelligence Policy and Professional Responsibility program is properly implemented and that the Department is properly investigating allegations of criminal and ethical misconduct by the Department's attorneys, criminal investigators, or other law enforcement personnel.

The Office of Professional Responsibility continues to conduct and oversee an increasing number of investigations involving attorneys, criminal investigators, law enforcement personnel, and senior Department officials against whom allegations of misconduct have been made. Most of these cases are highly sensitive and some involve matters of national significance. All involve the Department's investigations, prosecutions, and litigation. In fiscal year 1993, OPR revised its method of handling complaints received by it, but which are within the jurisdiction of the Inspector General. This new methodology resulted a significant increase in OPR's pending complaints.

1996 Base	1996 Estimate	Increase/Decrease
perm.	perm.	perm.

A program decrease of \$44,000 is proposed to provide sufficient funding for the 1996 pay raise.

A program decrease of \$44,000 is proposed to provide sufficient funding for the 1996 pay raise.

Justice Management Division
General Administration
Summary of Requirements
(Dollars in thousands)

ADJUSTMENTS TO BASE:	Perm. Est.	Per. Est.	Per. Est.
1995 as enacted.....	398	441	\$48,940
Procurement savings.....	---	---	(242)
Fees of 1994 reprogramming.....	---	---	(1)
1995 availability.....	---	---	(283)
Mandatory savings.....	---	---	395
One additional compensable day.....	---	---	128
Annulment of 1995 pay raise.....	---	---	613
1996 pay raise.....	---	---	559
With-in grade increases (WIGI).....	---	---	911
Health benefits.....	---	---	126
Unemployment compensation.....	---	---	53
Accident compensation.....	---	---	27
Supplemental retirement contribution.....	---	---	30
General Services Administration (GSA) rent.....	---	---	584
Project EAGLE maintenance.....	---	---	4
Postal rate increase.....	---	---	23
General pricing level adjustment.....	---	---	140
Decreases:	---	---	---
Federal employee retirement system.....	---	---	(142)
Procurement savings.....	---	---	(286)
Federal telecommunications system 2000.....	---	---	(118)
Other adjustments to base:	---	---	---
Technical adjustment to permanent positions.....	64	---	---
Other resource realignment.....	---	---	---
1995 base.....	459	459	\$50,890

Estimate by program	1994 as Enacted Est. WY Amount	1994 Actual Est. WY Amount	1995 Availability Est. WY Amount	1996 Base Est. WY Amount	1996 Estimate Est. WY Amount	Increase/Decrease Est. WY Amount						
Justice Management Division.....	421	463	\$48,302	420	448	\$48,410	459	459	\$50,331	---	---	(\$59)
Reimbursable workyear.....	24	---	---	27	---	---	51	---	---	---	---	---
Total workyear.....	487	---	---	475	---	---	489	---	---	---	---	---

General Administration/Justice Management Division
Planning and Finance
Qualification of Personnel Performance
Activity Budget Summary
 (Dollars in thousands)

	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Per.	Pos.	Per.	Pos.	Per.	Pos.	Per.	Pos.
Justice Management Division.....	395	438 \$48,410	459	459 \$50,800	459	459 \$50,331	...	...
							...	(\$559)

GENERAL GOALS AND OBJECTIVES:

- To effectively establish Department policy, advise the Department leadership, and represent the Department on all matters pertaining to its organization, management, and administration.
- To acquire quality, cost-effective automated systems and products that meet user needs and to manage and provide support for those systems.
- To secure sufficient resources through budget and procurement processes and to ensure sound fiscal management of those resources.
- To recruit, train, and retain a high quality workforce; provide safe, accessible, and environmentally sound work space; and promote workforce policies that contribute to employee effectiveness and satisfaction.
- To increase the number of women and minority hires in key occupations and ensure the timely adjudication of EEO complaints.

EXTERNAL ISSUES:

- Enactment of new laws and policies; elimination of regulations, policies and laws; success in obtaining requested budgets; and cooperation and responsiveness of other DOJ components.

BASE PROGRAM DESCRIPTION: To provide advice to senior DOJ officials and develop departmental policies in the areas of management and administration; to ensure compliance by DOJ components with departmental and other federal policies and regulations; and to provide a full range of management and administrative support services.

FACTORS AFFECTING PROGRAM PERFORMANCE:

- Enactment of new laws and policies; elimination of regulations, policies and laws; success in obtaining requested budgets; and cooperation and responsiveness of other DOJ components.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Per.	Pos.	Per.	Pos.	Per.	Pos.
Justice Management Division.....	459	459 \$50,800	459	459 \$50,331	...	...
					...	(\$559)

A program decrease of \$559,000 is proposed to provide sufficient funding for the 1996 pay raise. This reduction will be taken across all JMD programs.

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	Perm.	WY	Amount
Adjustments to Base:			
1994, as enacted	557	508	849,643
Appropriation of unfunded 1995 pay raise			
Procurement savings		(10)	
1995 availability	---	---	(197)
Transfers to other accounts	---	---	557
1995 appropriation	---	---	579
Administrative Review and Appeals (ARA) appropriation	---	---	49,430
1995 base	(557)	(779)	(49,430)

Estimate by program

Expenditures by program	1994 as Enacted		1994 Actual		1994 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount
Administrative Review and Appeals:												
Executive Offices for Immigration Review	559	579	\$47,469	559	554	\$47,514	545	563	\$48,325	545	563	***
Immigration and Naturalization Service	13	1,174	13	1,092	13	1,092	13	1,092	13	1,092	13	1,092
Prison Attorney	567	592	\$48,463	567	566	48,409	557	579	49,150	557	579	***
Total	1,139	1,745	\$95,942	1,139	1,120	\$95,933	1,115	1,145	\$97,475	1,115	1,145	***

General Administration/Administrative Review and Appeals
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1995 Availability		1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	VI Amount	Perm.	VI Amount	Perm.	VI Amount	Perm.	VI Amount
Administrative								
Review & Appeals								
Executive Office for								
Patent & Trademark Review	545	\$63,848,375	545	***	545	***	***	***
Patent Attorney	12	1,132	22	2.2	22	2.2	10	1.1
Total	557	\$79,49,450	567	***	567	***	10	1.1

The Administrative Review and Appeals decision unit is being transferred out of the General Administration appropriation and is to be reflected as a new appropriation beginning in 1996.

Department of Justice
Violent Crime Reduction Program
Annual Report
Submitted to the House of Commons
February 1996

Page	Subject
1	Summary Statement
2	Justification of Proposed Changes in Appropriation Language
3	Summary of Requirements
4	Justification of Changes
5	Financial Analysis - Program Changes
6	Detail of Permanent Positions by Category
7	Summary of Change
8	Summary of Requirements by Grade and Object Class

Violent Crime Reduction Program
General Administration
Summary Statement
Fiscal Year 1996

The Violent Crime Reduction Program (VCRP)/General Administration is requesting a total of \$15,500,000 in 1996. This request reflects a net decrease of 224 positions, 112 workyears, and \$1,900,000 compared to the 1995 appropriation enacted of 224 positions, 112 workyears, and \$17,400,000. As a result of the Administration's heightened attention to immigration related activities, a decision was made during the OMB budget process to transfer the portion related to Administrative Review and Appeals out of VCRP General Administration and establish it as a new appropriation entitled VCRP Administrative Review and Appeals.

General Administration

This program will fund the Joint Automated Booking Station (JABS) initiative and the Freedom of Information and Privacy Act Laboratory (FOIPA LAB) initiative. These initiatives will improve current booking procedures and eliminate redundant search and retrieval procedures, respectively.

Violent Crime Reduction Program

General Administration

Amplification of Proposed Changes in Appropriation Language

The 1995 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

[In addition to amounts otherwise made available in this Act, for necessary expenses of the Executive Office for Immigration Review associated with the President's Immigration Initiative, \$17,400,000, of which not to exceed \$6,000,000 shall remain available until expended.]

[For activities authorized by Section 10503(d) of Public Law 103-322, for the purpose of conducting a study of the impact of the Violent Crime Reduction Act of 1994 on the Violent Crime Reduction Fund and Violent Crime Services Administration from April, 1995.]

Amplification of changes

1. The amount appropriated in 1995 for Immigration related activities in VCRP General Administration has been transferred to the VCRP Administrative Review and Appeals appropriation.

Violent Crime Reduction Program
General Administration
Funding Requirements
(Dollars in thousands)

Admission to base:		1994		1995		1996		1997		1998		1999		2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		2017		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030		2031		2032		2033		2034		2035		2036		2037		2038		2039		2040		2041		2042		2043		2044		2045		2046		2047		2048		2049		2050		2051		2052		2053		2054		2055		2056		2057		2058		2059		2060		2061		2062		2063		2064		2065		2066		2067		2068		2069		2070		2071		2072		2073		2074		2075		2076		2077		2078		2079		2080		2081		2082		2083		2084		2085		2086		2087		2088		2089		2090		2091		2092		2093		2094		2095		2096		2097		2098		2099		2100		2101		2102		2103		2104		2105		2106		2107		2108		2109		2110		2111		2112		2113		2114		2115		2116		2117		2118		2119		2120		2121		2122		2123		2124		2125		2126		2127		2128		2129		2130		2131		2132		2133		2134		2135		2136		2137		2138		2139		2140		2141		2142		2143		2144		2145		2146		2147		2148		2149		2150		2151		2152		2153		2154		2155		2156		2157		2158		2159		2160		2161		2162		2163		2164		2165		2166		2167		2168		2169		2170		2171		2172		2173		2174		2175		2176		2177		2178		2179		2180		2181		2182		2183		2184		2185		2186		2187		2188		2189		2190		2191		2192		2193		2194		2195		2196		2197		2198		2199		2200		2201		2202		2203		2204		2205		2206		2207		2208		2209		2210		2211		2212		2213		2214		2215		2216		2217		2218		2219		2220		2221		2222		2223		2224		2225		2226		2227		2228		2229		2230		2231		2232		2233		2234		2235		2236		2237		2238		2239		2240		2241		2242		2243		2244		2245		2246		2247		2248		2249		2250		2251		2252		2253		2254		2255		2256		2257		2258		2259		2260		2261		2262		2263		2264		2265		2266		2267		2268		2269		2270		2271		2272		2273		2274		2275		2276		2277		2278		2279		2280		2281		2282		2283		2284		2285		2286		2287		2288		2289		2290		2291		2292		2293		2294		2295		2296		2297		2298		2299		2300		2301		2302		2303		2304		2305		2306		2307		2308		2309		2310		2311		2312		2313		2314		2315		2316		2317		2318		2319		2320		2321		2322		2323		2324		2325		2326		2327		2328		2329		2330		2331		2332		2333		2334		2335		2336		2337		2338		2339		2340		2341		2342		2343		2344		2345		2346		2347		2348		2349		2350		2351		2352		2353		2354		2355		2356		2357		2358		2359		2360		2361		2362		2363		2364		2365		2366		2367		2368		2369		2370		2371		2372		2373		2374		2375		2376		2377		2378		2379		2380		2381		2382		2383		2384		2385		2386		2387		2388		2389		2390		2391		2392		2393		2394		2395		2396		2397		2398		2399		2400		2401		2402		2403		2404		2405		2406		2407		2408		2409		2410		2411		2412		2413		2414		2415		2416		2417		2418		2419		2420		2421		2422		2423		2424		2425		2426		2427		2428		2429		2430		2431		2432		2433		2434		2435		2436		2437		2438		2439		2440		2441		2442		2443		2444		2445		2446		2447		2448		2449		2450		2451		2452		2453		2454		2455		2456		2457		2458		2459		2460		2461		2462		2463		2464		2465		2466		2467		2468		2469		2470		2471		2472		2473		2474		2475		2476		2477		2478		2479		2480		2481		2482		2483		2484		2485		2486		2487		2488		2489		2490		2491		2492		2493		2494		2495		2496		2497		2498		2499		2500		2501		2502		2503		2504		2505		2506		2507		2508		2509		2510		2511		2512		2513		2514		2515		2516		2517		2518		2519		2520		2521		2522		2523		2524		2525		2526		2527		2528		2529		2530		2531		2532		2533		2534		2535		2536		2537		2538		2539		2540		2541		2542		2543		2544		2545		2546		2547		2548		2549		2550		2551		2552		2553		2554		2555		2556		2557		2558		2559		2560		2561		2562		2563		2564		2565		2566		2567		2568		2569		2570		2571		2572		2573		2574		2575		2576		2577		2578		2579		2580		2581		2582		2583		2584		2585		2586		2587		2588		2589		2590		2591		2592		2593		2594		2595		2596		2597		2598		2599		2600		2601		2602		2603		2604		2605		2606		2607		2608		2609		2610		2611		2612		2613		2614		2615		2616		2617		2618		2619		2620		2621		2622		2623		2624		2625		2626		2627		2628		2629		2630		2631		2632		2633		2634		2635		2636		2637		2638		2639		2640		2641		2642		2643		2644		2645		2646		2647		2648		2649		2650		2651		2652		2653		2654		2655		2656		2657		2658		2659		2660		2661		2662		2663		2664		2665		2666		2667		2668		2669		2670		2671		2672		2673		2674		2675		2676		2677		2678		2679		2680		2681		2682		2683		2684		2685		2686		2687		2688		2689		2690		2691		2692		2693		2694		2695		2696		2697		2698		2699		2700		2701		2702		2703		2704		2705		2706		2707		2708		2709		2710		2711		2712		2713		2714		2715		2716		2717		2718		2719		2720		2721		2722		2723		2724		2725		2726		2727		2728		2729		2730		2731		2732		2733		2734		2735		2736		2737		2738		2739		2740		2741		2742		2743		2744		2745		2746		2747		2748		2749		2750		2751		2752		2753		2754		2755		2756		2757		2758		2759		2760		2761		2762		2763		2764		2765		2766		2767		2768		2769		2770		2771		2772		2773		2774		2775		2776		2777		2778		2779		2780		2781		2782		2783		2784		2785		2786		2787		2788		2789		2790		2791		2792		2793		2794		2795		2796		2797		2798		2799		2800		2801		2802		2803		2804		2805		2806		2807		2808		2809		2810		2811		2812		2813		2814		2815		2816		2817		2818		2819		2820		2821		2822		2823		2824		2825		2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The JAS project in south Florida has already performed a technical review of commercial, off-the-shelf booking alternatives; developed an operational concept; performed a requirements analysis; created common JAS data elements; approved the JAS system architecture; and determined the integration approach.

The Department is anticipating that the automation of FOIPA processing will also serve as a model for other Departmental automation requirements. Both of these initiatives were presented in the 1995 budget submission, but no resources were requested. As these initiatives develop, accomplishment and workload data will become available.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	VI Amount	Perm. Pos.	VI Amount	Perm. Pos.	VI Amount

	\$15,500	...	\$15,500

	...	\$15,500	...	\$15,500
WCP General Administration.....	\$15,500

A program increase of \$11,000,000 is requested for the JMS. The funds request would allow the Department to use new computer technologies to revolutionize booking. Today, automation of the booking process is becoming a reality, with electronic collection, storage, and transmittal of photographic, fingerprint, and biographical information enhancing law enforcement efforts nationwide.

The funds requested will allow the Department to provide better service to the public by:

- automating the processing of FOIPA requests, a program enhance of \$4,500,000 is being requested;
- improving FOIPA processing; facilitating the sharing of information, technology, and systems; and setting customer service standards.

Violent Crime Reduction Program
General Administration
Financial Analysis - Program Changes
(Dollars in thousands)

Grade	VCRP	
	General Administration	Amount
	Pos.	
GS/GM-15
GS-11
GS-7
Total positions & annual rate
Lapse (-)
AD Pay
Other personnel compensation
Total workyears & personnel compensation
Personnel benefits
Travel & transp of persons
Transportation of thing
GSA Rent
Comm. rent, & utilities
Printing
Other miscellaneous services	\$15,500
Supplies & materials
Equipment
Total, workyears & obligations changes requested, 1996	15,500

Violent Crime Reduction Program
General Administration
Detail of Permanent Positions by Category
Fiscal Year 1994 - 1996

Category	1994		1995		1996	
	Authorized	Transfers	Authorized	Transfers	Authorized	Transfers
Attorneys (905).....	91	(91)	...	...
Paralegals (950).....
Other Legal & Kindred (900-998).....
Om. Admin./Clerical (300-399).....	100	(100)	...	...
Information and Arts (1000-1099).....	33	(33)	...	...
Business & Industry (1100-1199).....
Security Specialist (080).....
Personnel Management (200-299).....
Accounting/Budget (500-599).....
Library (1400-1499).....
Equipment, Facilities, and Service Group (1600-1699).....
Supply Group (2000-2099).....
Motor Vehicle Operations (5703).....
Miscellaneous Occupations (010-099).....
Total.....	224	(224)	...	...
Washington.....	47	(47)	...	...
U.S. Field.....	177	(177)	...	...
Total.....	224	(224)	...	...

Violent Crime Reduction Program
General Administration
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work Years	Amount
Adjustments to base:			
1995 as enacted.....	224	112	\$17,400
Transfer to new VCRP Administrative Review and Appeal.....	(224)	(112)	(17,400)
1996 base.....			
Program changes:			
Joint Automated Booking Station.....			11,000
Freedom of Information and Privacy Act Laboratory.....			4,500
Total program changes.....			15,500
1996 estimate.....			15,500

**Violent Crime Reduction Program
Central Administration
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Grade and Salary Ranges	1994 Actual Pos & Wys	1994 Actual Amount	1995 Estimate Pos & Wys	1995 Estimate Amount	1996 Request Pos & Wys	1996 Request Amount	Increase/Decrease Pos & Wys	Increase/Decrease Amount
GS-15, \$69,427 - 90,232	65	...	...	...	(65)	...
GS-14, \$59,022 - 75,733	4	...	...	...	(4)	...
GS-13, \$49,947 - 64,928	15	...	...	...	(15)	...
GS-12, \$42,003 - 54,601	9	...	...	...	(9)	...
GS-11, \$35,045 - 45,561	20	...	...	...	(20)	...
GS-9, \$28,864 - 37,651	17	...	...	...	(17)	...
GS-7, \$23,678 - 30,779	8	...	...	...	(8)	...
GS-6, \$21,408 - 27,696	24	...	...	...	(24)	...
GS-5, \$19,116 - 24,847	31	...	...	...	(31)	...
GS-4, \$17,086 - 22,208	27	...	...	...	(27)	...
Ungraded positions	4	...	...	...	(4)	...
1996 Pay Rate
Total, appropriated positions	224	\$11,478	...	...	(224)	(\$11,478)
Pay above stated annual rates
Lapses	(123)	(\$964)	...	...	123	\$964
Savings due to lower pay scales for part of year	(265)	...	...	...	265
Net, full-time permanent	101	\$5,249	...	...	(101)	(\$5,249)
Other than permanent:
Part-time permanent
Temporary employment	11	400	...	...	(11)	(400)
Other personnel compensation
Overtime
Administratively uncontrollable overtime
Other compensation
Special personal services payments
Total, Workyears & personnel compensation	112	\$5,649	...	...	(112)	(\$5,649)
Average GS/GM Salary	\$49,991	...	...	...	...
Average GS/GM Grade	9.7	...	...	...	...

Violent Crime Reduction Program
General Administration
Summary of Requirements by Grade and Object Class

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	WYRS	Amount	WYRS	Amount	WYRS	Amount	WYRS	Amount
11.1 Total workyears & personnel compensation.....	101	\$3,249	...	...	(101)	(\$3,249)
11.3 Other than full-time permanent.....	11	400	...	...	(11)	(400)
11.5 Other personnel compensation.....
11.8 Special personnel services payments.....
Total.....	112	5,649	...	...	(112)	(5,649)
Reimbursable workyears:								
Full-time permanent.....
Other Object Classes:								
12.0 Personnel benefits.....	1,514	...	...	...	(1,514)
21.0 Travel and transportation of persons.....	640	...	...	...	(640)
22.0 Transportation of things.....	90	...	...	...	(90)
23.1 GSA rent.....	2,480	...	...	...	(2,480)
23.3 Comm., util., & other misc. charges.....	188	...	...	...	(188)
24.0 Printing and reproduction.....	55	...	...	...	(55)
25.2 Other miscellaneous services.....	5,076	...	15,500	...	10,424
26.0 Supplies and materials.....	269	...	...	...	(269)
31.0 Equipment.....	1,439	...	...	...	(1,439)
Total obligations.....	17,400	...	15,500	(112)	(1,900)
Unobligated balance, start of year.....
Unobligated balance, end of year.....	17,400	...	15,500	...	...
Total requirements.....
Relation of Obligations to Outlays:								
Total obligations.....	17,400	...	15,500	...	...
Obligated balance, start of year.....	3,480	...	...
Obligated balance, end of year.....	(3,480)	...	(12,020)	...	...
Outlays.....	13,920	...	6,890	...	...

Department of Justice
 Administration and Management
 Summary for Fiscal Year 1978
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Administrative Review and Appeals

January 1, 1996
Total: 187,123

The Administrative Review and Appeals appropriation is requesting a total of \$5,335,000, 620 permanent positions, and 600 workyears in 1996. This represents an increase of \$1,880,000, 63 positions, and 29 workyears over the \$3,455,000, 557 positions and 579 workyears reflected in the General Administration budget for 1995. The increase is due to the transfer of the Administrative Review and Appeals decision unit out of the General Administration appropriation and establish it as a new appropriation entitled Administrative Review and Appeals.

Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR) is headed by the Director and is responsible for the general supervision of the Board of Immigration Appeals, the Office of the Chief Immigration Judge, and the Office of the Chief Administrative Hearing Officer. The Board of Immigration Appeals adjudicates appeals of the Board of Immigration Judge's decisions on petitions for asylum, naturalization, and other matters. The Office of the Chief Immigration Judge manages the operations of Immigration Judges located in thirty-two field offices nationwide. Generally, Immigration Judges hold hearing to establish the immigration status of aliens, including criminal aliens and those seeking asylum as a form of relief from deportation. The Office of the Chief Administrative Hearing Officer manages the operations of EOIR's Administrative Law Judges, who adjudicate cases arising from the employer sanctions, discrimination, and document fraud provisions of Immigration law.

Office of the Asylum Attorney

The Office of the Asylum Attorney (OAA) receives, investigates, and considers petitions for all forms of Executive Clemency and serves as the principal liaison with the general public in clemency matters. OAA also responds to controlled communications referred from the Department's Executive Secretariat and the White House.

**Administrative Review and Appeals
Justification of Proposed Changes in Appropriation Language**

The 1996 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Administrative Review and Appeals
For amounts necessary for the administration of awards
and classroom facilities and janitorial related
activities. \$25,339,850.

Examination of claims

1. For 1996, Administrative Review and Appeals is reflected as a separate appropriation.

**Administrative Budget and Account
Summary of Revenues
(Dollars in Thousands)**

1994 to 1996*		1997 to 1998*		1999 to 2000*		2001 to 2002*		2003 to 2004*		2005 to 2006*		2007 to 2008*		2009 to 2010*		2011 to 2012*		2013 to 2014*		2015 to 2016*		2017 to 2018*		2019 to 2020*		2021 to 2022*		2023 to 2024*		2025 to 2026*		2027 to 2028*		2029 to 2030*		2031 to 2032*		2033 to 2034*		2035 to 2036*		2037 to 2038*		2039 to 2040*		2041 to 2042*		2043 to 2044*		2045 to 2046*		2047 to 2048*		2049 to 2050*		2051 to 2052*		2053 to 2054*		2055 to 2056*		2057 to 2058*		2059 to 2060*		2061 to 2062*		2063 to 2064*		2065 to 2066*		2067 to 2068*		2069 to 2070*		2071 to 2072*		2073 to 2074*		2075 to 2076*		2077 to 2078*		2079 to 2080*		2081 to 2082*		2083 to 2084*		2085 to 2086*		2087 to 2088*		2089 to 2090*		2091 to 2092*		2093 to 2094*		2095 to 2096*		2097 to 2098*		2099 to 2100*		2101 to 2102*		2103 to 2104*		2105 to 2106*		2107 to 2108*		2109 to 2110*		2111 to 2112*		2113 to 2114*		2115 to 2116*		2117 to 2118*		2119 to 2120*		2121 to 2122*		2123 to 2124*		2125 to 2126*		2127 to 2128*		2129 to 2130*		2131 to 2132*		2133 to 2134*		2135 to 2136*		2137 to 2138*		2139 to 2140*		2141 to 2142*		2143 to 2144*		2145 to 2146*		2147 to 2148*		2149 to 2150*		2151 to 2152*		2153 to 2154*		2155 to 2156*		2157 to 2158*		2159 to 2160*		2161 to 2162*		2163 to 2164*		2165 to 2166*		2167 to 2168*		2169 to 2170*		2171 to 2172*		2173 to 2174*		2175 to 2176*		2177 to 2178*		2179 to 2180*		2181 to 2182*		2183 to 2184*		2185 to 2186*		2187 to 2188*		2189 to 2190*		2191 to 2192*		2193 to 2194*		2195 to 2196*		2197 to 2198*		2199 to 2200*		2201 to 2202*		2203 to 2204*		2205 to 2206*		2207 to 2208*		2209 to 2210*		2211 to 2212*		2213 to 2214*		2215 to 2216*		2217 to 2218*		2219 to 2220*		2221 to 2222*		2223 to 2224*		2225 to 2226*		2227 to 2228*		2229 to 2230*		2231 to 2232*		2233 to 2234*		2235 to 2236*		2237 to 2238*		2239 to 2240*		2241 to 2242*		2243 to 2244*		2245 to 2246*		2247 to 2248*		2249 to 2250*		2251 to 2252*		2253 to 2254*		2255 to 2256*		2257 to 2258*		2259 to 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**Administrative Review and Appeals
Administrative Review
Subordinate Resources
(Dollars in Thousands)**

	1994 Actual*		1995 Estimate*		1996 Request		Increase/Decrease	
	For	WY Amount	For	WY Amount	For	WY Amount	For	WY Amount
Collection by Source:								
Immigration & Naturalization Service	...	\$1,050	...	\$1,200	...	\$1,200	...	...
Obligations by Program:								
Executive Office for Immigration Review	...	1,050	...	1,200	...	1,200	...	...

Justification of Increase/Decrease, Administrative Review & Appeals

* FY 1994 and 1995 reimbursable resources are reflected in the General Administration appropriation and are being shown for comparability purposes. The Administrative Review and Appeals decision unit is being transferred out of the General Administration appropriation, and it is to be established as a new appropriation beginning in 1996.

**Administrative Review and Appeals
Financial Analysis - Program Changes**
(Dollars in thousands)

	Executive Office for Immigration Review		Office of the Pardon Attorney		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:						
AL-03	8	\$768	...	...	8	\$768
GS/GM-15	13	958	...	...	13	958
GS-11	13	485	...	...	13	485
GS-7	29	726	...	...	29	726
Total positions & annual rate.....	63	2,937	...	...	63	2,937
Lapse (-)	(30)	(1,399)	...	...	(30)	(1,399)
Other personnel compensation.....	...	...	...	...	...	...
Total workyears & personnel compensation.....	33	1,538	...	...	33	1,538
Personnel benefits.....		477	...	...		477
Travel & transp of persons.....		227	...	...		227
Transportation of things.....		18	...	...		18
GSA Rent.....		304	...	...		304
Comm., rents, & utilities.....		92	...	...		92
Printing.....		22	...	...		22
Other miscellaneous services.....		973	...	(\$19)		954
Supplies & materials.....		25	...	...		25
Equipment.....		439	...	...		439
Total, workyears & obligations changes requested, 1996.....	33	4,115	...	(19)	33	4,096

Administrative Review and Appraisal
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		1996			Authorized
	Authorized	Transfers	Authorized	Technical Adjustment	Streamlining	Program Increase		
Attorneys (900).....	...	189	...	2	...	21	212	
Paralegals (900).....	...	5	...	...	...	...	5
Other Legal & Related (900-998).....	...	133	...	...	...	...	133
Gen. Admin./Clerical (300-399).....	...	126	...	9	(11)	21	145	
Accounting/Budget (500-599).....	...	3	...	...	...	...	3
Information and Arts (1000-1099).....	...	101	...	...	...	21	122
Total.....	...	557	...	11	(11)	63	620	
Washington.....	...	186	...	2	...	...	188
U.S. Field.....	...	371	...	9	(11)	63	432	
Total.....	...	557	...	11	(11)	63	620	

Administrative Review and Appeals
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work Years	Amount
Adjustments to base:			
1995 appropriation anticipated.....	...	...	...
Transfer from other accounts:			
General Administration (GA) appropriation.....	557	579	\$49,450
Streamlining.....	(11)	(11)	(550)
Mandatory increases:			
FTE Reduction Restoration.....	...	10	...
One additional compensable day.....	...	4	...
Annualization of 1995 pay raise.....	...	...	801
1996 pay raise.....	...	...	688
Within - grade increases (WIG).....	...	6	...
Health benefits.....	...	2	...
Accident compensation.....	...	1	...
Unemployment compensation.....	...	2	...
General Services Administration (GSA) rent.....	...	23	...
Postal rate increase.....	...	1	...
General pricing level adjustments.....	...	4	...
Total, mandatory increases.....	...	10	1,532
Decreases:			
Federal employee retirement system.....	...	...	(151)
Procurement savings.....	...	...	(188)
Federal telecommunications system 2000.....	...	...	(86)
Total, decreases.....	...	...	(425)
Other adjustments to base:			
Technical adjustment to permanent positions.....	11	...	...
Other resource realignment.....	...	(3)	233
1996 base.....	557	575	50,240
Program changes:			
Absorption of 1996 pay raise.....	...	...	(688)
Other program increases.....	63	33	4,784
1996 estimate.....	620	608	54,336

**Administrative Review and Appeals
Administration and Appeals
(Colliers in thousands)**

	POL.	Work SHEET	Amount
Transfer to and from other accounts:			
1. General Administration, Macgregorville The Department received one approval to transfer the Administrative Review and Appeals (ARA) decision unit out of the General Administration appropriation to a new appropriation, beginning in 1996. ARA consists of the Executive Office of Immigration Review (EOIR) and the Office of the Asylum Attorney (OAA).	557	579	\$49,450
Streamlining			
1. Executive Office for Immigration Review EOIR will reduce 11 positions, 11 workyears, and \$550,000 to meet personnel levels established by the Administration.	(11)	(11)	(\$550)
Personnel Increases:			
1. One Additional Comparable Pay The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as for the additional pay (\$2,880 for pay and \$1,120 for benefits).	...	...	4
2. 1996 Pay Raise This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$488,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$495,000 for pay and \$193,000 for benefits).	...	...	688
3. Annualization and Increase of 1995 Pay Raise This annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective January 1996 plus the appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$377,000 for pay and \$224,000 for benefits).	...	...	801
4. Within-Grade Increases This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include within-grade increases, and career ladder series to reflect promotion policy for each organization. The request includes \$4,320 for pay and \$1,680 for benefits.	...	...	6
5. Health Benefits The Department's health benefits cost for 1996 is projected to be \$1,200,000. The Department's health insurance cost for 1996 is projected to be \$1,200,000. The total cost for 1996 is projected to be \$2,400,000. This cost was subsequently increased to 72 percent. The requested increase of \$2,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1996 projected for a full year.	...	...	2
6. Relieved Compensation This amount reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1996 of employee accident compensation.	...	...	1

	Pos.	Work SHEET	Amount
7. <u>General Services Administration</u> The General Services Administration is authorized to bill for employee unemployment compensation. An increase of \$2,000 is required to meet our commitment to DOL.	\$2
8. <u>General Services Administration (GSA Rent)</u> The General Services Administration is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.	25
9. <u>Total Rate Increase</u> The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$1,000 is requested to cover this rate adjustment.	1
10. <u>General Pricing Level (GSA) Adjustments</u> This request modifies our pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	4
DISCRETES:			
1. <u>Federal Employees Retirement System (FERS)</u> Effective October 1, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agency rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 percent to 11.4 percent. The estimated decrease is \$151,000.	(151)
2. <u>Federal Telecommunications System (FIS) 2000</u> This decrease reflects the 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1994 decrease is \$86,000.	(86)
3. <u>Procurement Savings</u> This decrease results from Congressional and other action taken on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1994 decrease is \$189,000.	(189)
Total mandatory increases/decreases			1,107

Other Adjustments to Base:		Work	
		Pos.	Amount
1. Technical Adjustment to Permanent Positions	11	...	...
<p>In the past, the Department has derived the total number of permanent positions to be any type of "replacement" slot being filled. Based on this definition, the General Administration appropriation is requesting a technical adjustment to the total number of positions based on a comparison of the total number of "permanent" employees currently on-board and anticipated versus the number of positions currently authorized for each staff. There is no funding associated with this technical adjustment, nor does it allow for the hiring of additional people beyond the current authorized level. This adjustment will allow the Department to request additional positions to be filled without increasing the total number of positions to be reduced when faced with possible future reductions in work-year levels.</p>			
2. Realignment of Resources	...	(3)	\$233
<p>This adjustment to base reflects the realignment of direct resources within the Administrative Review and Appeals appropriation, as provided by the Department during the OMB budget process.</p>			
Total adjustments to base:	337	375	\$0,240

**Administrative Review and Appeals
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Grades and Salary Ranges	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Pos & Wys	Amount	Pos & Wys	Amount	Pos & Wys	Amount	Pos & Wys	Amount
ES-6, \$115,700.....	1	...	1	...
ES-5, \$111,800.....	2	...	2	...
ES-4, \$107,300.....	1	...	1	...
ES-3, \$101,800.....	2	...	2	...
ES-2, \$97,400.....	1	...	1	...
GS/GM-15, \$69,427-90,252.....	158	...	158	...
GS/GM-14, \$59,022-75,733.....	48	...	48	...
GS/GM-13, \$49,947-64,928.....	26	...	26	...
GS-12, \$42,003-54,601.....	18	...	18	...
GS-11, \$35,045-45,561.....	79	...	79	...
GS-9, \$28,964-37,651.....	39	...	39	...
GS-8, \$26,223-34,094.....	36	...	36	...
GS-7, \$23,678-30,779.....	113	...	113	...
GS-6, \$21,308-27,696.....	60	...	60	...
GS-5, \$19,116-24,847.....	22	...	22	...
GS-4, \$17,086-22,208.....	6	...	6	...
Ungraded positions.....	8	...	8	...
1996 Pay freeze.....
Total, appropriated positions.....	620	\$688	620	\$688
Pay above stated annual rates.....	29,417	...	29,417
Leaves.....
Savings due to lower pay scales for part of year	(2,407)	...	(2,407)
Net, full-time permanent.....	569	(165)	569	(165)
Other than permanent:	26,845	...	26,845
Part-time permanent.....	32	1,496	32	1,496
Temporary employment.....	7	329	7	329
Other personnel compensation.....
Overtime.....	5	117	5	117
Administratively uncontrollable overtime.....
Other compensation.....
Special personal services payments.....
Total, Workyears & personnel compensation.....	613	28,787	613	28,787
Average ES Salary.....	\$106,600	...	\$106,600
Average GS/GM Salary.....	\$47,192	...	\$47,192
Average GS/GM Grade.....	10.4	...	10.4

**Administrative Review and Appeals
Summary of Requirements by Grade and Object Class**

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	WYR	Amount	WYR	Amount	Pos. #	Amount	Pos. #	Amount
Reimbursable workyear:								
Full-time permanent.....	613	28,787	613	28,787
Other Object Classes:								
12.0 Personnel benefits.....
13.0 Benefits to former personnel.....
21.0 Travel and transportation of person.....
22.0 Transportation of things.....
23.1 OSA rent.....
23.3 Comm., util., & other misc. charges.....
24.0 Printing and reproduction.....
25.1 Advisory and assistance services.....
25.2 Other miscellaneous services.....
26.0 Supplies and materials.....
31.0 Equipment.....
41.0 Grants, Subsidies, and Contributions.....
42.0 Insurance claims and indemnities.....
Total obligations.....
Unobligated balance, start of year.....
Unobligated balance, end of year.....
Total requirements.....
Relation of Obligations to Outlays								
Total obligations.....
Obligated balance, start of year.....
Obligated balance, end of year.....
Outlays.....

**Executive Office for Immigration Review
Statement of Resources
(Dollars in thousands)**

Adjustments to Base:	Perm. Pos.	WY Amount
1995 appropriation anticipated	545	563
Transfers from other accounts:		
General Administration appropriation	(11)	(11)
Streamlining		(580)
Mandatory increases:		
FTE reduction restoration	10	10
Annualization of 1997 pay raise	779	779
1998 pay raise	609	609
Decreases:		
Federal employee retirement system	(147)	(147)
Procurement savings	(183)	(183)
Federal telecommunications system 2000	(86)	(86)
Other adjustments to base:		
Technical adjustment to permanent positions	9	9
1996 base	543	561
		44,807

	1994 as Budgeted	1994 Actual	1995 Appropriation	1995 Estimate	1996 Base	1996 Estimate	1996 Base	1996 Estimate	1996 Base	1996 Estimate
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Estimate by 8/30/95	559	554	547,314	545	562	548,325	543	561	544,877	553,922
Executive Office for Immigration Review	559	579	547,469	559	579	548,325	543	561	544,877	553,922
Other Workyears:										
Holiday/Overtime	7	561	7	569	7	566	7	566	7	566
Total comp workyears	7	566	7	569	7	566	7	566	7	566

Note: Resources reflected in 1994 and 1995 are part of the General Administration appropriation and are being shown for comparability purposes.

Under the direction of the Chairman, the Board hears appeals from decisions of Immigration Judges and certain decisions of IIR officers in a wide variety of proceedings in which the Government of the United States is one party and either an alien, a citizen or a business firm. The Board is directed to exercise its independent judgment in hearing appeals for the Attorney General and provides a nationally uniform application of the Immigration laws, both in terms of substance and procedure. The Board also reviews the final administrative actions of the IIR officers who make the majority of the appeals. The Board's jurisdiction extends to all appeals from orders of Immigration Judges and certain decisions of IIR officers. These include appeals involving administrative fines; appeals by organizations from decisions on individual visa petition details and decisions involving administrative fines; the Board also renders decisions on applications by organizations for admission to practice before the Board, the Immigration Judges, and IIR and renders decisions on individual applications by employees of such organizations.

The Board's mission requires that national policies, as reflected in immigration laws, be identified, considered, and integrated into its decisional process. The Board in fact plays the major role in interpreting the immigration laws of this country, an area of law the courts have characterized as uniquely complex. Processing increasing numbers of aliens has required the Board to develop new administrative procedures and policies. The Board has issued numerous decisions and orders since the principal legislation governing the Board's operations, the Immigration and Nationality Act of 1952 (INIA), was enacted. The Board has also issued numerous decisions and orders since the principal legislation governing the Board's operations, the Immigration and Nationality Act of 1952 (INIA), was enacted. The Board has issued numerous decisions and orders since the principal legislation governing the Board's operations, the Immigration and Nationality Act of 1952 (INIA), was enacted.

Office of the Chief Immigration Judge

The Chief Immigration Judge provides overall program direction, articulates policy and establishes priorities for the Immigration Judges located in thirty-two field offices. The Chief Immigration Judge also provides administrative supervision and guidance to the Immigration Judges. The Chief Immigration Judge is responsible for the overall management of the Board's operations. The Chief Immigration Judge is responsible for the overall management of the Board's operations. The Chief Immigration Judge is responsible for the overall management of the Board's operations.

The Board's responsibilities under Section 701 of INIA require the coordination and conduct of civil deportation and exclusion proceedings to adjudicate the immigration status of alien inmates incarcerated by federal, state and municipal correctional authorities as a result of convictions for criminal offenses. Through its Criminal Division, the Board coordinates and conducts proceedings in all 50 states, Puerto Rico, the District of Columbia and selected municipalities and Bureau of Prisons facilities.

Office of the Chief Administrative Hearing Officer

The Chief Administrative Hearing Officer provides overall program direction, articulates policies and procedures, and establishes priorities for the Administrative Law Judges (ALJs) appointed pursuant to 5 U.S.C. 3105 to adjudicate cases arising under Sections 101 and 102 of INIA. Section 101 provides for sanctions against employers or entities who: (1) hire, recruit or refer for a fee or continue to employ unauthorized aliens; (2) refuse to comply with the employment verification system; or (3) require the execution of an inventory bond to protect themselves from potential liability for unlawful employment practices. Section 102 provides for the individual's national origin or citizenship status. Such judicial proceedings are initiated by complaints filed with the Office of the Chief Administrative Hearing Officer and assigned to ALJs. Complaints are filed by: (1) (101 cases)--the Immigration and Naturalization Service; (2) (102 cases)--the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC); or (3) (102 cases) if OSC declines a case, an approved party or a representative.

The ALJs hold hearings and related administrative proceedings and render decisions on the complaints assigned to them. They impose sanctions and penalties as prescribed by law in appropriate cases and may, where warranted, award attorney's fees, back pay, and issue cease and desist orders. The Chief Administrative Hearing Officer may conduct administrative review and take the final agency action with respect to cases decided by ALJs under Section 101 and certify ALJs who hear Section 102 cases as having received the requisite training in employment discrimination matters. In addition, pursuant to provisions of INIA 90, ALJs conduct hearings involving immigration document fraud.

ACCREDITED EMPLOYERS AND WORKERS

The following chart includes the combined workload of the Board of Immigration Appeals, Immigration Judges and Administrative Law Judges.

Cases, appeals and related adjudications:

	1994 ACTUAL	1995 ESTIMATE	1996 ESTIMATE
Pending, beginning of year	65,412	62,554	62,554
Received	177,694	178,000	180,000
Completed	188,522	179,500	180,000
Pending, end of year	62,554	62,554	62,554

* revised to reflect updated information

Productivity increases shown for 1995 reflect the effect of additional Immigration Judge hires during the latter part of 1994 and early 1995. In 1996, projected increases in productivity are anticipated for the latter part of 1995 and early 1996. Productivity increases for 1996 are annualized, EOI expects productivity levels to exceed caseload receipts, thereby reducing projected backlogs.

PROGRAM CHANGES:

	1995 BASE		1995 ESTIMATES		INCREASE/DECREASE	
	Pos.	Est.	Pos.	Est.	Pos.	Est.
Executive Office of Immigration Review.....	543	561	543	561	543	561
					543	561

The 1996 request for EOI reflects a decrease of \$609,000. EOI must absorb these resources to provide sufficient funding for the 1996 pay raise. This reduction will be accomplished through the efficient and effective operation of offices and programs within EOI.

EOIR is requesting 63 positions, 33 workyears and \$4,784,000 in response to two important Immigration Initiatives: Worksite Enforcement and Verification and Detention and Removal. This request is made in concert with ISL enhancements requested for 1996 involving primarily their Investigations, Detention and Deportation and Legal Proceedings programs.

Worksite Enforcement and Verification - ISL is requesting additional resources in support of a major new initiative to enhance their interior enforcement program. A key element of this initiative involves an increase in ISL investigative resources to support task force and other special operations which will target employer sanctions and document fraud violators. ISL will focus new resources on investigations involving industries historically dependent upon the illegal work force. In addition, ISL will target suppliers, manufacturers and those who knowingly use or receive fraudulent documents. The resulting employer sanctions and document fraud violations will be referred to the Department of Justice for prosecution. This initiative will require a program increase of 8 ALJ and 16 support staff positions in 1996.

Detention and Removal - ISL is requesting additional resources in support of a second major initiative which will focus on the identification, charging, detention and removal of deportable aliens. This initiative involves the expansion of the initial alien removal program (IAR) to include the removal of aliens who are inadmissible to the United States. This initiative will be expanded in the five states with the largest alien removal populations (California, New York, Florida, Texas and Illinois) and will include the removal of aliens who are inadmissible to the United States. This initiative will require a program increase of 10 ALJ and 16 support staff positions in 1996.

Crucial to the removal of deportable aliens is the availability of detention space. A second component of the Detention and Removal Initiative is the expansion of detention space. ISL is requesting funding to support an additional 1,441 detention beds. This expansion will be used to house those aliens deemed most likely to abscond if not detained. Further, ISL anticipates that this population will include deportable aliens who are encountered as a result of the increase in employer sanctions and document fraud violations. This initiative will require a program increase of 7 Immigration Judge and 16 court support staff positions.

In summary, the 1996 program increase for EOI are requested in direct coordination with those sought by ISL to support new initiatives. The success of these initiatives is largely dependent upon the adequacy of EOI funding levels and the resulting capability to process increasing case filings.

	Perm.	Pos.	WY	Amount
Adjustments to Base:				
1995 appropriation anticipated	12	17	\$1,125	
Transfers from other accounts:				
General Administration appropriation				
Medical Administration appropriation				
One additional compensable day				4
Annualization of 1995 pay raise				23
1996 pay raise				19
Within-grade increases (WIO)				6
Health benefits				2
Compensation projection				2
General Administration (GSA) rates				21
General Administration (GSA) rates				2
Postal rate increase				1
General pricing level adjustments				4
Decreases:				
Federal employee retirement system				(4)
Procurement savings				(5)
On-site adjustment				
Total adjustments to permanent positions	2	(3)	233	
Other resource realignment				
1996 base	14	14	1,453	

	1994 as Enacted*		1994 Actual*		1995 Appropriation Anticipated*		1996 Base		1996 Estimate		Increase/Decrease		
	Fed.	W.Y. Amount	Fed.	W.Y. Amount	Fed.	W.Y. Amount	Fed.	W.Y. Amount	Fed.	W.Y. Amount	Fed.	W.Y. Amount	
Faints by postmark	6	13	\$1,174	8	12	\$1,095	14	14	\$1,493	14	14	\$1,414	...
Office of the Pardon Attorney, ...	6	13	\$1,174	8	12	\$1,095	14	14	\$1,493	14	14	\$1,414	...
Faints by postmark	6	13	\$1,174	8	12	\$1,095	14	14	\$1,493	14	14	\$1,414	...
Office of the Pardon Attorney, ...	6	13	\$1,174	8	12	\$1,095	14	14	\$1,493	14	14	\$1,414	...

Note Resources reflected in 1994 and 1995 are part of the General Administration appropriation and are being shown for comparability purposes.

Workload data has been updated based on more current information.

	<u>1996 Data</u>		<u>1996 Estimate</u>		<u>Increase/Decrease</u>	
	Perm.	WT Amount	Perm.	WT Amount	Perm.	WT Amount
	Pct.		Pct.		Pct.	
	14	14	81,433	14	14	81,414
				
						(819)

Office of the Pardon Attorney.....	14	14	81,433	14	14	81,414
------------------------------------	----	----	--------	----	----	--------	-----	-----

OPA must absorb \$19,000 to provide sufficient funding for the 1996 pay raise. This reduction will be accomplished through the efficient and effective operation of OPA.

Department of Justice
Violent Crime Task Force
Administrative Review and Appeals
Manual
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Violent Crime Reduction Program
Administrative Review and Appeals
1998-1999
11500.100

The Violent Crime Reduction Program (VCRP)/Administrative Review and Appeals appropriations requesting a total of 312 positions, 268 workyears and \$33,180,000. The VCRP/Immigration and Naturalization Service (INS) received a request for funding for the VCRP/INS Administrative Review and Appeals program. During the 1998 budget process, a decision was made during the OMB budget process to transfer the portion related to the Executive Office for Immigration Review out of the VCRP General Administration and establish it as a new appropriation entitled VCRP Administrative Review and Appeals.

Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR) receives resources from the VCRP in support of two key Immigration Initiatives: Comprehensive Asylum Reform and Accelerated Prosecution of Criminal Aliens.

**Violent Crime Reduction Program
Administrative Review and Appeals
Justification of Proposed Changes in Appropriation Language**

The 1996 budget estimates include changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Administrative Review and Appeals

For activities authorized by sections 130093 and 130097 of Public Law 101-322, \$33,180,000 to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Explanation of changes

1. The amount appropriated in 1995 for Immigration related activities in the VCRP General Administration has been transferred to the VCRP Administrative Review and Appeals appropriation.

**Visiting Crime Reduction Program
Administrative Review and Appeals
Initiative (VCRP) - FY 1999
Actual Expenses Summary
(dollars in thousands)**

1999 Appropriation Account	1999 Base		1999 Estimate		Increase/Decrease						
	Per.	MT Amount	Per.	MT Amount	Per.	MT Amount					
...	224	224	917,400	312	268	933,180	88	44	94,900

LONG RANGE GOAL: To provide a uniform interpretation and application of immigration law.

SHORT OBJECTIVES:

To fully implement the case processing and adjudication provisions of the Comprehensive Asylum Reform Initiative.

To render immigration judge decisions in all new asylum cases within 180 days of the date of filing.

To fully implement the case processing goals of the Expedited Deportation of Criminal Aliens Initiative.

To render final decisions in all criminal alien cases prior to each alien's release from incarceration.

To expedite the processing of all cases associated with these initiatives, while ensuring the standards of due process and fair treatment for all parties involved.

BASIC PROGRAM DESCRIPTION: EOIR receives resources from the VCRP which support comprehensive asylum reform and expedited deportation of criminal aliens. In general, asylum reform has streamlined the procedures involved in processing asylum cases, integrated INS and EOIR processes, and eliminated duplicative adjudications. Claims which are not approved by INS are automatically referred to EOIR's Immigration Judges who conduct full asylum adjudications in the context of deportation or exclusion hearings. The new asylum procedure, which became effective in January, 1997, uses procedures limiting the INS' review of employment authorization to those cases where the INS has determined that the alien is inadmissible under the Immigration and Nationality Act. As a consequence, the success of asylum reform is largely dependent upon the ability of immigration judges to render decisions within these timeframes.

ACCOMPLISHMENTS AND FUTURE PLANS

During early 1999 EOIR achieved several goals as part of its aggressive plan to implement the asylum and criminal alien initiatives. An extensive recruitment effort was completed and candidates for the majority of new immigration judge positions were selected. EOIR anticipates the selection, entry on duty, and training of over 50 of the 63 new judges funded by the VCRP by mid-1999. The remaining positions will be filled soon thereafter. EOIR has coordinated implementation with INS to ensure the optimal placement of new judges, based upon the volume and geographic concentration of projected asylum and criminal alien cases. In addition, EOIR has secured management and acquisition, EOIR is expanding space in a majority of field offices and will open new offices in Atlanta, Baltimore, Detroit, and Elizabeth, New Jersey.

A significant accomplishment has been the modification of EOIR's automated case tracking system (ASIS). The ASIS system has been modified to facilitate the management of cases and to provide a more efficient means of tracking cases. The system has been modified to allow for the tracking of cases from the time of filing to the time of decision. Among other benefits, these improvements have allowed the introduction of the key case processing initiatives. First, INS personnel are able to access the ASIS system and schedule cases for immigration judge hearings immediately upon their decision to refer asylum claim to EOIR. Second, INS regional service centers will be able to access the ASIS database to ascertain the status of cases in order to determine the eligibility of aliens for employment authorization.

Regarding workload estimates, EOIR case receipts are entirely dependent upon the enforcement activities of the INS. Because the programs funded by the VCRP are in the early stages of implementation, actual workload has yet to materialize. However, INS has estimated the referral of over 40,000 asylum cases to EOIR during 1999.

further, IIS has estimated a twofold increase in criminal alien cases by the end of 1996. As a point of reference, EOIR's Immigration Judges, funded by the regular appropriation, completed over 12,000 criminal alien cases in 1996. EOIR projects that the resources received through the year in 1995, combined with program increases requested for 1996, will aid in the achievement of productivity levels consistent with the volume of cases received.

PROPOSED CHANGES:

	1995 BASE			1996 ESTIMATE			INCREASE/DECREASE		
	Pos.	Est.	VI	Pos.	Est.	VI	Pos.	Est.	VI

Executive Office for Immigration Review..... 224 226 \$17,400 312 248 \$33,180 88 44 46,900

EOIR is requesting 88 positions, 44 employees, and \$6,900,000 to complete implementation of the asylum reform and criminal alien initiatives. The request includes 24 immigration judge positions, 48 court support staff positions, 12 Board of Immigration Appeals staff attorney positions, and 4 support positions.

In 1995, EOIR received \$17,400,000 of the \$25,300,000 originally requested from the year. The original request was made in coordination with the level of resources sought by IIS. It is important to note that, in 1995, as the Senate Judiciary Committee conducted its study of the immigration system, the resources requested by EOIR for 1996 represent the balance of those originally requested and are necessary to keep pace with IIS enforcement activities and the resulting caseload.

Violent Crime Reduction Program
Administrative Review and Appeals
Financial Analysis - Program Changes
(Dollars in thousands)

Grades	Executive Office for Immigration Review	
	Pos.	Amount
GS/GM - 15	36	\$1,190
GS-11	24	897
GS-7	28	705
Total positions & annual rate	88	4,792
Lapses (-)	(44)	(2,396)
AD Pay	..	..
Other personnel compensation	..	..
Total workyears & personnel compensation	44	2,396
Personnel benefits		867
Travel & transport of persons		389
Transportation of things		39
GSA Rent		664
Coman., rent, & utilities		193
Printing		48
Other miscellaneous services		1,362
Supplies & materials		53
Equipment		889
Total workyears & obligations changes requested, 1996	44	6,900

Violent Crime Reduction Program
Administrative Review and Appeals
Detail of Personnel Positions by Category
Fiscal Year 1994 - 1996

Category	1994		1995		1996	
	Authorized	Transfers	Authorized	Transfers	Program Increase	Total
Attorneys (905).....	...	91	...	100	16	127
Gen. Admin./Clerical (300-399).....	28	28	128
Information and Arts (1000-1099).....	...	33	...	24	24	57
Total.....	...	224	...	224	68	312
Washington.....	...	47	...	16	16	63
U.S. Field.....	...	177	...	72	72	249
Total.....	...	224	...	224	68	312

**Violent Crime Reduction Program
Administrative Review and Appeals
Summary of Changes
(Dollars in thousands)**

	Perm Pos	Work Years	Amount
Adjustments to base:			
1995 appropriations anticipated	--	--	--
Transfer from other accounts			
VCRP/General Administration appropriation	224	112	\$17,400
Mandatory increases			
Anticipation of 224 positions approved in 1995	--	112	8,431
Anticipation of 1995 pay raise	--	--	104
1996 pay raise	--	--	44
Supplemental retirement cost reduction	--	--	14
General pricing level adjustment	--	--	207
Total, mandatory increases	--	112	8,800
1996 base	224	224	26,200
Program change	88	44	6,900
1996 estimate	312	268	33,100

**Violent Crime Reduction Program
Administrative Review and Appeals
Justification of Adjustments to BBA
(Dollars in thousands)**

Transfers to and from other accounts:			FY94 YERJ	FY95 YERJ	Amount
1. Violent Crime Reduction Program (VCRP)/General Administration (GA) Appropriation.....		The Department received OMB approval to transfer the VCRP/Administrative Review and Appeals (ARA) decision unit out of the VCRP/GA appropriation to a new appropriation, beginning in 1996. VCRP/ARA consists of the Executive Office of Immigration Review (EOIR).	226	112	817,400
Mandatory Increases:					
1. Annihilation of Positions Approved in 1995		The request provides for the annihilation of 112 additional positions approved for EOIR.	...	112	8,431
2. 1996 Pay Rises		This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$4,800, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$3,600 for pay and \$12,320 for benefits).	...	...	44
3. Annihilation and Increase of 1995 Pay Rises		This annihilation represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent and the 1996 pay raise of 2.2 percent. The request provides for the three-quarters of the year (\$132,480 for pay and \$51,520 for benefits).	...	...	184
4. 90 Percent Retirement Contribution		This request provides for the 90 percent retirement contribution to be paid by the Civil Service Retirement and Disability Fund as an offset for early retirements on amounts equal to 90 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$14,000 provides for this contribution.	...	...	14
5. General Pricing Level (GPL) Adjustments		This request provides for the GPL adjustment to be applied to selected excess categories. The increased costs identified result from applying a factor of 3.0 percent against these subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	207
Total mandatory increases.....			...	112	8,880
Total adjustments to BBA.....			226	224	26,286

Violent Crime Reduction Program
Administrative Review and Appeals
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1994 Actual Pos & Wys	Amount	1995 Estimate Pos & Wys	Amount	1996 Request Pos & Wys	Amount	Increase/Decrease Pos & Wys	Amount
GS/GM - 15, \$69,427 - 90,252	101	...	101	...
GS/GM - 14, \$59,022 - 75,733	4	...	4	...
GS/GM - 13, \$49,947 - 64,928	15	...	15	...
GS - 12, \$42,003 - 54,601	9	...	9	...
GS - 11, \$35,045 - 45,561	44	...	44	...
GS - 9, \$28,964 - 37,651	17	...	17	...
GS - 7, \$23,678 - 30,779	36	...	36	...
GS - 6, \$21,308 - 27,696	24	...	24	...
GS - 5, \$19,116 - 24,847	31	...	31	...
GS - 4, \$17,086 - 22,208	27	...	27	...
Ungraded positions	4	...	4	...
1996 Pay Raise	\$44	...	\$44
Total, appropriated positions	312	16,421	312	16,421
Pay above stated annual rates
Lapses due to lower pay rates for part of year	(55)	(2,634)	(55)	(2,634)
Net, full-time permanent	257	13,776	257	13,776
Other than permanent:
Part-time permanent
Temporary employment	11	400	11	400
Other personnel compensation
Overtime
Administratively uncontrollable overtime
Other compensation
Special personal services payments
Total, Workyears & personnel compensation	268	14,176	268	14,176
Average GS/GM Salary	\$51,736	...	\$51,736
Average GS/GM Grade	10.3	...	10.3

**Violent Crime Reduction Program
Administrative Review and Appeals
Summary of Requirements by Class and Object Class**

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	WYFA	Amount	WYFA	Amount	WYFA	Amount	WYFA	Amount
Object Class								
11.1 Total workyears & personnel compensation.....	257	\$13,776	257	\$13,776
11.3 Other than full-time personnel.....	11	400	11	400
11.5 Other personnel compensation.....
11.8 Special personnel services payments.....
Total.....	268	14,176	268	14,176
Reimbursable workyears								
Full-time permanent.....
Other Object Classes								
12.0 Personnel benefits.....	3,990	3,990	3,990	3,990
21.0 Travel and transportation of persons.....	2,053	2,053	2,053	2,053
22.0 Transportation of things.....	231	231	231	231
23.1 GSA rent.....	2,733	2,733	2,733	2,733
23.3 Comm., util., & other misc. charges.....	935	935	935	935
24.0 Printing and reproduction.....	238	238	238	238
25.2 Other miscellaneous services.....	7,991	7,991	7,991	7,991
26.0 Supplies and materials.....	529	529	529	529
31.0 Equipment.....	304	304	304	304
Total obligations.....	33,180	33,180	33,180	33,180
Unobligated balance, start of year.....
Unobligated balance, end of year.....
Total requirements.....	33,180	33,180	33,180	33,180
Relation of Obligations to Outlays								
Total obligations.....	33,180	33,180	33,180	33,180
Obligated balance, start of year.....
Obligated balance, end of year.....
Outlays.....

Department of Justice
Community-Oriented Policing Services
Estimates for Fiscal Year 1998
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The mission of the Police Corps Grants program is to address violent crime by increasing the number of police with advanced education and training on community patrol, and to provide law enforcement agencies with the necessary resources to attract and retain the best personnel. The program, which requires scholarship recipients to complete a minimum of 12 college credits, has been successful in increasing the number of police with advanced education and training on community patrol. For example, the number of police with advanced education and training on community patrol increased from 1,000 in 1991 to 1,500 in 1992, a 50 percent increase.

of \$10,000,000 is requested to establish this program. The Police Corps Grants program is authorized in Section 200101 of the Violent Crime Control and Law Enforcement Act of 1994.

Law Enforcement Scholarship Program

The mission of the Law Enforcement Scholarship program is to provide scholarship grants to in-service law enforcement personnel. This program, like the Police Corps Grants program, will require a service obligation by scholarship recipients, and is expected to significantly enhance law enforcement recruitment, retention, and education efforts. Funding for this program was not provided in 1995. For 1996, a program increase of \$10,000,000 is requested to establish this program. The Law Enforcement Scholarship program is authorized in Section 200201 of the Violent Crime Control and Law Enforcement Act of 1994.

Police Recruitment Grants

The mission of the Police Recruitment Grants program is to recruit and retain applicants to police departments. The program provides: recruiting services, which include tutorial programs to enable individuals to meet police force academic requirements and to pass entrance examinations; counseling to applicants to police departments who may encounter problems throughout the application process; and retention services to assist individuals to stay in the application process of a police department. The grants provided under this program are intended to supplement the Public Safety and Community Policing Grants and are an integral component of the Administration Grant. The program is authorized in Section 200301 of the Violent Crime Control and Law Enforcement Act of 1994. For 1996, a program increase of \$95,000 is requested to establish this program. The Police Recruitment Grants program is authorized in Section 30001 of the Violent Crime Control and Law Enforcement Act of 1994.

Management and Administration

The Management and Administration activity is responsible for providing management oversight and administrative support to the COPS program, and ensuring that the program meets its goals and objectives. The activity is authorized in Section 200401 of the Violent Crime Control and Law Enforcement Act of 1994. The Management and Administration program is authorized in Section 30002 of the Violent Crime Control and Law Enforcement Act of 1994. For 1996, a program increase of \$11,292,000 over the 1995 appropriation is requested. Funding to support the requested positions and workyears is to be derived from the program dollars and will not increase the amount of direct funding requested for the COPS program. Funding for Management and Administration is authorized in Section 19003 of the Violent Crime Control and Law Enforcement Act of 1994.

Community Oriented Policing Services

Salaries and Expenses

Justification of Proposed Changes in Accreditation Language

The 1996 budget estimates include proposed changes in the appropriation language (listed and explained below. New language is underscored and deleted matter is enclosed in brackets).

Community-Oriented Policing Services

[for grants, contracts, cooperative agreements, and other assistance for the Corps on the Best Program, \$1,300,000,000, to remain available until expended, of which \$200,000,000 shall be available to the Bureau of Justice Assistance to make awards to jurisdictions in the United States for the purposes provided in the Supplemental Appropriation Act of 1993 (Public Law 103-36, 107 Stat. 2245). Provided, That . . . to exceed \$1,000,000 of the amount appropriated herein shall be available for salaries and expenses for personnel, travel, and other administrative purposes to be expended with Justice Assistance appropriation.]

for activities authorized by Public Law 103-322 (including, but not limited to, the following):

- (1) \$100,000 for the purchase of a vehicle for the Atlanta office;
- (2) \$100,000 for the purchase of a vehicle for the New York office;
- (3) \$100,000 for the purchase of a vehicle for the Los Angeles office;
- (4) \$100,000 for the purchase of a vehicle for the San Francisco office;
- (5) \$100,000 for the purchase of a vehicle for the Dallas office;
- (6) \$100,000 for the purchase of a vehicle for the Houston office;
- (7) \$100,000 for the purchase of a vehicle for the Phoenix office;
- (8) \$100,000 for the purchase of a vehicle for the Portland office;
- (9) \$100,000 for the purchase of a vehicle for the Salt Lake City office;
- (10) \$100,000 for the purchase of a vehicle for the Seattle office;
- (11) \$100,000 for the purchase of a vehicle for the Tampa office;
- (12) \$100,000 for the purchase of a vehicle for the Washington, D.C. office;
- (13) \$100,000 for the purchase of a vehicle for the Wichita office;
- (14) \$100,000 for the purchase of a vehicle for the Albuquerque office;
- (15) \$100,000 for the purchase of a vehicle for the Anchorage office;
- (16) \$100,000 for the purchase of a vehicle for the Bismarck office;
- (17) \$100,000 for the purchase of a vehicle for the Butte office;
- (18) \$100,000 for the purchase of a vehicle for the Cheyenne office;
- (19) \$100,000 for the purchase of a vehicle for the Denver office;
- (20) \$100,000 for the purchase of a vehicle for the El Paso office;
- (21) \$100,000 for the purchase of a vehicle for the Fort Collins office;
- (22) \$100,000 for the purchase of a vehicle for the Grand Junction office;
- (23) \$100,000 for the purchase of a vehicle for the Idaho Falls office;
- (24) \$100,000 for the purchase of a vehicle for the Jackson office;
- (25) \$100,000 for the purchase of a vehicle for the Kalama office;
- (26) \$100,000 for the purchase of a vehicle for the Lewiston office;
- (27) \$100,000 for the purchase of a vehicle for the Moscow office;
- (28) \$100,000 for the purchase of a vehicle for the Nampa office;
- (29) \$100,000 for the purchase of a vehicle for the Pocatello office;
- (30) \$100,000 for the purchase of a vehicle for the Richland office;
- (31) \$100,000 for the purchase of a vehicle for the Shoshone office;
- (32) \$100,000 for the purchase of a vehicle for the Teton office;
- (33) \$100,000 for the purchase of a vehicle for the Twin Falls office;
- (34) \$100,000 for the purchase of a vehicle for the Victor office;
- (35) \$100,000 for the purchase of a vehicle for the Warrenton office;
- (36) \$100,000 for the purchase of a vehicle for the Wendouville office;
- (37) \$100,000 for the purchase of a vehicle for the White Salmon office;
- (38) \$100,000 for the purchase of a vehicle for the Woodinville office;
- (39) \$100,000 for the purchase of a vehicle for the Yakima office;
- (40) \$100,000 for the purchase of a vehicle for the Yonkers office;
- (41) \$100,000 for the purchase of a vehicle for the Zionsville office;
- (42) \$100,000 for the purchase of a vehicle for the Appleton office;
- (43) \$100,000 for the purchase of a vehicle for the Beaver Dam office;
- (44) \$100,000 for the purchase of a vehicle for the Beloit office;
- (45) \$100,000 for the purchase of a vehicle for the Burlington office;
- (46) \$100,000 for the purchase of a vehicle for the De Pere office;
- (47) \$100,000 for the purchase of a vehicle for the Dodgeville office;
- (48) \$100,000 for the purchase of a vehicle for the Janesville office;
- (49) \$100,000 for the purchase of a vehicle for the Kaukauna office;
- (50) \$100,000 for the purchase of a vehicle for the Keshena office;
- (51) \$100,000 for the purchase of a vehicle for the Ladysburg office;
- (52) \$100,000 for the purchase of a vehicle for the Libertyville office;
- (53) \$100,000 for the purchase of a vehicle for the McHenry office;
- (54) \$100,000 for the purchase of a vehicle for the Moline office;
- (55) \$100,000 for the purchase of a vehicle for the Mount Pleasant office;
- (56) \$100,000 for the purchase of a vehicle for the North Moline office;
- (57) \$100,000 for the purchase of a vehicle for the Rock Island office;
- (58) \$100,000 for the purchase of a vehicle for the Rockton office;
- (59) \$100,000 for the purchase of a vehicle for the St. Charles office;
- (60) \$100,000 for the purchase of a vehicle for the St. Joseph office;
- (61) \$100,000 for the purchase of a vehicle for the Union Grove office;
- (62) \$100,000 for the purchase of a vehicle for the Verona office;
- (63) \$100,000 for the purchase of a vehicle for the Watertown office;
- (64) \$100,000 for the purchase of a vehicle for the West Troy office;
- (65) \$100,000 for the purchase of a vehicle for the Wisconsin Dells office;
- (66) \$100,000 for the purchase of a vehicle for the Wisconsin Rapids office;
- (67) \$100,000 for the purchase of a vehicle for the Wausau office;
- (68) \$100,000 for the purchase of a vehicle for the Waupun office;
- (69) \$100,000 for the purchase of a vehicle for the Westport office;
- (70) \$100,000 for the purchase of a vehicle for the Westport office;
- (71) \$100,000 for the purchase of a vehicle for the Westport office;
- (72) \$100,000 for the purchase of a vehicle for the Westport office;
- (73) \$100,000 for the purchase of a vehicle for the Westport office;
- (74) \$100,000 for the purchase of a vehicle for the Westport office;
- (75) \$100,000 for the purchase of a vehicle for the Westport office;
- (76) \$100,000 for the purchase of a vehicle for the Westport office;
- (77) \$100,000 for the purchase of a vehicle for the Westport office;
- (78) \$100,000 for the purchase of a vehicle for the Westport office;
- (79) \$100,000 for the purchase of a vehicle for the Westport office;
- (80) \$100,000 for the purchase of a vehicle for the Westport office;
- (81) \$100,000 for the purchase of a vehicle for the Westport office;
- (82) \$100,000 for the purchase of a vehicle for the Westport office;
- (83) \$100,000 for the purchase of a vehicle for the Westport office;
- (84) \$100,000 for the purchase of a vehicle for the Westport office;
- (85) \$100,000 for the purchase of a vehicle for the Westport office;
- (86) \$100,000 for the purchase of a vehicle for the Westport office;
- (87) \$100,000 for the purchase of a vehicle for the Westport office;
- (88) \$100,000 for the purchase of a vehicle for the Westport office;
- (89) \$100,000 for the purchase of a vehicle for the Westport office;
- (90) \$100,000 for the purchase of a vehicle for the Westport office;
- (91) \$100,000 for the purchase of a vehicle for the Westport office;
- (92) \$100,000 for the purchase of a vehicle for the Westport office;
- (93) \$100,000 for the purchase of a vehicle for the Westport office;
- (94) \$100,000 for the purchase of a vehicle for the Westport office;
- (95) \$100,000 for the purchase of a vehicle for the Westport office;
- (96) \$100,000 for the purchase of a vehicle for the Westport office;
- (97) \$100,000 for the purchase of a vehicle for the Westport office;
- (98) \$100,000 for the purchase of a vehicle for the Westport office;
- (99) \$100,000 for the purchase of a vehicle for the Westport office;
- (100) \$100,000 for the purchase of a vehicle for the Westport office;

Evaluation of changes

- The 1996 budget estimates include new appropriation language for the Community Oriented Policing Services (COPS) program. The new language provides the following: (a) authorize the transfer of funds from the Violent Crime Reduction Trust Fund to the COPS program; (b) specify the amount to be provided for Public Safety and Community Policing Grants as authorized under Section 10003 of the Violent Crime Control and Law Enforcement Act of 1994; (c) specify the amounts to be provided to establish new community policing initiatives, authorized under the Violent Crime Control and Law Enforcement Act of 1994, that were not funded in 1995, including the Police Corps Grants (section 20010), Law Enforcement Scholarship Program (section 20021), and Police Recruitment grants (section 20081); and (d) specifies the amount to be provided to the Justice Assistance Program (section 20031), and Police Recruitment grants (section 20081); and (e) specifies the amount to be provided to the Justice Assistance Program (section 20031), and Police Recruitment grants (section 20081).

**Community Oriented Policing Services
Salaries and Expenses
Comparison of 1993 Changes
(Dollars in Thousands)**

	1993 President's Budget Request		Congressional Appropriation Action on 1993 Request		Reprogramming		1993 Appropriation Anticipated	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
1. Public Safety and Community Policing Grants...	..	..	..	\$1,703,391	..	..	..	..
2. Police Corps Grants.....	..	..	..	..	..	..	..	..
3. Law Enforcement Scholarship Program.....	..	..	..	..	..	..	..	..
4. Police Recruitment Grants.....	..	..	..	..	..	..	..	..
5. Management and Administration.....	310	305	..	16,609	..	..	..	..
Total.....	310	305	1,720,000	(180)	(207)	(420,000)	130	98
							130	98
								1,300,000

1. Includes \$200,000,000, that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriation for Justice Assistance contained in the Supplemental Appropriations Act of 1993, and \$500,000, that will be made available to the management and administration activity of the Justice Assistance appropriation.

2. Includes \$200,000,000, that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriation for Justice Assistance contained in the Supplemental Appropriations Act of 1993, and \$500,000, that will be made available to the management and administration activity of the Justice Assistance appropriation.

Congressional Action.
Congress provided \$1.3 billion, from the Violent Crime Reduction Trust Fund, for the Community Oriented Policing Services Program.

	Perm. Fos.	WY	Amount
1995 as enacted	130	98	\$1,300,000
Amendment of positions approved in 1995		52	
1996 base	130	130	1,300,000

Estimate by budget activity	1995 Appropriation Anticipated		1994 Base		1996 Estimate		Increase/Decrease	
	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount	Fed.	WY Amount
1. Public Safety and Community Policing Grants...	--	\$1,289,900 /1	--	\$1,285,598	--	\$1,856,106 /2	--	\$570,708
2. Police Corps Grants	--	--	--	--	--	10,000	--	10,000
3. Law Enforcement Scholarship Program	--	--	--	--	--	10,000	--	10,000
4. Police Recruitment Grants	--	--	--	--	--	964	--	964
5. Management and Administration	130	98 10,100	130	130 14,602	266	266 23,894	136	136 11,292
Total	130	98 1,300,000	130	130 1,300,000	266	266 1,902,964	136	136 602,964
Overlays	--	3	--	3	--	8	--	5
Total convertible equipment	--	101	--	133	--	274	--	141

7/ Includes \$200,000,000, that will be made available to the Bureau of Judicial Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriations for Justice Assistance contained in the Supplemental Appropriations Act of 1993, and \$900,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

2 Includes \$1,947,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the OOPS program.

Community Oriented Policing Services
Funding and Expenditure
Justification of Needs and Performance
Activity Budget Summary
(Dollars in thousands)

Activity: COPS Program	1995 Appropriation		1995 Budget		1995 Estimate		1995/2000	
	Perf.	Est.	Perf.	Est.	Perf.	Est.	Perf.	Est.
Public Safety/Comm. Policing Grants..	\$1,285,398	...	...	\$1,856,106/2	...
Police Corps Grants.....	10,000	...
Law Enforcement Scholarship Program.....	10,000	...
Police Recruitment Grants.....	10,000	...
Police Training Grants.....	10,000	...
Management and Administration.....	10,000	...
Total.....	138	58	138	138	138	138	138	138

/1 Includes \$200,000,000, that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program, and \$900,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

/2 Includes \$1,917,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

This budget activity includes resources for the primary mission of the Community Oriented Policing Services program.

Activity: COPS Program	1995 Appropriation		1995 Budget		1995 Estimate		1995/2000	
	Perf.	Est.	Perf.	Est.	Perf.	Est.	Perf.	Est.
Public Safety/Comm. Policing Grants..	\$1,285,398	...	...	\$1,856,106/2	...
Police Corps Grants.....	10,000	...
Law Enforcement Scholarship Program.....	10,000	...
Police Recruitment Grants.....	10,000	...
Police Training Grants.....	10,000	...
Management and Administration.....	10,000	...
Total.....	138	58	138	138	138	138	138	138

/1 Includes \$200,000,000, that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program, and \$900,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

/2 Includes \$1,917,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

COMPLAINTS: To add 100,000 police officers to law enforcement jurisdictions throughout the United States, and to advance the principles of community policing in these jurisdictions.

BASE PROGRAM DESCRIPTION: The Public Safety and Community Policing Grants program makes grants to States, units of local government, Indian tribal governments, and other public and private entities to increase police presence, to expand cooperation between law enforcement agencies and members of the community, and to enhance public safety. The Public Safety and Community Policing Grants program authorizes the use of up to 3 percent of the funds available in any fiscal year for technical assistance or for evaluations carried out by the Attorney General. Of the remaining funds, 50 percent is to be allocated to areas with populations exceeding 100,000 and 50 percent to areas with populations of 100,000 or less. At least 85 percent of the available funding is to be applied to grants for the hiring and rehiring of officers or the procuring of related equipment and technology. No more than 15 percent may be applied to other grants. In addition, program funds may be used for the management and administration of the program.

In awarding the grants, certain policies will be followed which are consistent with the authorizing legislation. Specifically, the maximum federal share per officer is \$75,000 for a three-year grant, and may not exceed 75 percent of the total project cost unless a waiver is provided by the Attorney General. The federal share per officer is expected to be disbursed in declining amounts equivalent to \$33,333 in the first year, \$25,000 in the second year, and \$16,667 in the third year.

Community Oriented Police Services
Salaries and Benefits
Financial Analysis - Program Elements
(Dollars in Thousands)

Grading	Public Safety/Community Policing Grants		Police Corps Grants		Law Enforcement Scholarship Program		Police Recruitment Grants		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GR/COM-15	2	\$147	2	\$147
GR/COM-13	4	211	4	211
GR/COM-12	20	908	20	908
GR/COM-11	20	1,104	20	1,104
GR/COM-10	2	67	2	67
GR/COM-9	30	999	30	999
GR/COM-8	1	28	1	28
GR/COM-7	22	551	22	551
GR/COM-5	22	446	22	446
GR/COM-4	4	71	4	71
Total positions & annual rate	136	4,472	136	4,472
Other personnel compensation	5	134	5	134
Total workyears & personnel compensation	141	4,606	141	4,606
Personnel benefits	1,002	..	1,002
Travel & transportation of persons	256	256	..	256
Transportation of things	86	86	..	86
OSA Rent	1,390	1,390	..	1,390
Comm, cell, & other misc. charges	482	482	..	482
Printing & reproduction	608	608	..	608
Other miscellaneous services	5,809	5,809	..	5,809
Supplies & materials	535	535	..	535
Equipment	998	998	..	998
Grants, Subsidies, & Contributions	\$566,205	\$566,205	\$10,000	\$10,000	\$10,000	\$10,000	\$864	\$864	..	..	..	..
Total, workyears & obligations charges reported, 1995	..	566,205	..	10,000	..	10,000	..	964	141	15,794	141	602,964

Community Oriented Policing Services
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994	1995	1996	
	Authorized	Authorized	Program Increase	Total
Attorneys (905).....	...	4	6	10
Paralegals (950).....	...	2	3	5
Other Legal & Related (900-998).....	...	2	3	5
Gen. Admin./Clerical (300-399).....	...	110	110	220
Business & Industry (1100-1199).....	...	5	6	11
Personnel Management (200-299).....	...	2	2	4
Accounting/Budget (500-599).....	...	3	3	6
Equipment, Facilities, and Service Group (1600-1699).....	...	2	3	5
Total.....	...	130	136	266
Washington.....	...	130	136	266
O.S. Field.....
Total.....	...	130	136	266

Community Oriented Policing Services
Salaries and Expenses
Summary of Change
(Dollars in Thousands)

	Perma Pos	Work - Years	Amount
1995 as enacted.....	130	98	\$1,300,000 /1
Anticipation of positions approved in 1995.....	...	32	...
1996 base.....	130	130	1,300,000
Program changes:			
Public Safety and Community Policing Grants.....	...	...	570,708
Police Corps Grants.....	...	...	10,000
Law Enforcement Scholarship Program.....	...	...	10,000
Police Recruitment Grants.....	...	...	964
Management and Administration.....	136	136	11,292
Total, program change.....	136	136	602,964
1996 estimate.....	266	266	1,902,964 /2

/1 Includes \$200,000,000, that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriation for Justice Assistance contained in the Supplemental Appropriations Act of 1993, and \$900,000, that will be made available to the management and administration activity of the Justice Assistance appropriation.

/2 Includes \$1,947,000, that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

Community-Oriented Policing Services
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

Adjustments to Base:	Pos.	Work- years	Amount
1. Annualization of positions awarded in 1975. In 1975, 100 of 100 permanent positions, and 98 workyears for the Public Safety and Community Policing Grants program were authorized in Section 100 of the Violent Crime Control and Law Enforcement Act of 1994. This adjustment to base provides for the annualization of 32 positions approved in 1995.	...	32	...
Total adjustments to base.....	...	32	...

**Community Oriented Police Services
Salaries and Expenses
Summary of Resources by Grade and Object Class
(Fiscal Year 1992)**

Grade and Salary Range	1991 Actual		1991 Estimate		1991 Revised		Increase/Decrease	
	Pos. & Wn.	Amount	Pos. & Wn.	Amount	Pos. & Wn.	Amount	Pos. & Wn.	Amount
Executive Level I, \$110,400	---	---	---	---	---	---	---	---
Executive Level II, \$113,600	---	---	---	---	---	---	---	---
Executive Level III, \$115,700	---	---	---	---	---	---	---	---
Executive Level IV, \$115,700	---	---	---	---	---	---	---	---
Executive Level V, \$104,200	---	---	---	---	---	---	---	---
ES-6, \$115,700	---	---	---	---	---	---	---	---
ES-5, \$111,000	---	---	---	---	---	---	---	---
ES-4, \$107,300	---	---	---	---	---	---	---	---
ES-3, \$101,000	---	---	---	---	---	---	---	---
ES-2, \$97,400	---	---	---	---	---	---	---	---
ES-1, \$92,800	---	---	---	---	---	---	---	---
OS-12, \$121,000 - \$131,200	---	---	---	---	---	---	---	---
OS-11, \$109,400 - \$119,600	---	---	---	---	---	---	---	---
OS-10, \$100,000 - \$110,200	---	---	---	---	---	---	---	---
OS-9, \$92,000 - \$102,200	---	---	---	---	---	---	---	---
OS-8, \$84,000 - \$94,200	---	---	---	---	---	---	---	---
OS-7, \$76,000 - \$86,200	---	---	---	---	---	---	---	---
OS-6, \$68,000 - \$78,200	---	---	---	---	---	---	---	---
OS-5, \$60,000 - \$70,200	---	---	---	---	---	---	---	---
OS-4, \$52,000 - \$62,200	---	---	---	---	---	---	---	---
OS-3, \$44,000 - \$54,200	---	---	---	---	---	---	---	---
OS-2, \$36,000 - \$46,200	---	---	---	---	---	---	---	---
OS-1, \$28,000 - \$38,200	---	---	---	---	---	---	---	---
Total, unapportioned positions	130	\$4,438	266	\$7,331	136	\$4,472	136	\$4,472
Pay above stated salary rates	---	---	---	---	---	---	---	---
Lapses	---	---	---	---	---	---	---	---
Average due to lower pay scale for part of year	---	---	---	---	---	---	---	---
Net, full-time permanent	(12)	(1,779)	---	---	---	---	---	---
Other data permanent	---	---	---	---	---	---	---	---
Temporary employees	---	---	---	---	---	---	---	---
Other permanent compensation	---	---	---	---	---	---	---	---
Overhead	---	---	---	---	---	---	---	---
Administratively nonallocable overhead	---	---	---	---	---	---	---	---
Other compensation	---	---	---	---	---	---	---	---
Special personal services payments	---	---	---	---	---	---	---	---
Total, Workforce & personnel compensation	101	\$2,845	276	\$7,331	173	\$4,466	173	\$4,466
Average ES Salary	---	---	---	\$109,740	---	\$112,374	---	\$112,374
Average OS/MS Salary	---	---	---	\$32,716	---	\$31,997	---	\$31,997
Average OS/MS Grade	---	---	---	8.9	---	8.9	---	8.9

Community Oriented Policing Services
Solutions and Expenses
Summary of Reimbursements by Fund and Object Class
(Dollars in Thousands)

Object Class	1994 Actual		1995 Estimate		1995 Estimate		Increase/Decrease	
	Wm.	Δtotal	Wm.	Δtotal	Wm.	Δtotal	Wm.	Δtotal
11.1 Total employee & personnel compensation.....	--	--	98	\$2,839	246	\$7,331	148	\$4,492
8.3 Other than full-time personnel.....	--	--	--	--	--	--	--	--
8.5 Other personnel compensation.....	--	--	3	86	8	220	5	134
8.8 Special personal services payments.....	--	--	--	--	--	--	--	--
Total.....	0	0	101	2,945	274	7,551	173	4,606
Other Object Classes								
12.8 Personnel benefits.....	--	--	692	1,774	--	--	1,082	--
13.8 Benefits to former personnel.....	--	--	--	--	--	--	--	--
21.0 Travel and transportation of persons.....	--	--	150	346	--	--	346	--
22.8 Transportation of things.....	--	--	57	145	--	--	145	--
23.1 O&A rent.....	--	--	899	2,279	--	--	2,279	--
23.3 Comm. util. & other misc. charges.....	--	--	308	790	--	--	790	--
24.0 Printing and reproduction.....	--	--	399	997	--	--	997	--
25.1 Advisory and assistance services.....	--	--	--	--	--	--	--	--
25.5 Other miscellaneous services.....	--	--	3,715	9,324	--	--	9,324	--
26.8 Supplies and materials.....	--	--	355	910	--	--	910	--
31.8 Equipment.....	--	--	600	1,538	--	--	1,538	--
41.8 Grants, subsidies, and contributions.....	--	--	1,299,900 /1	1,877,070 /2	--	--	1,877,070 /2	--
42.0 Insurance claims and indemnities.....	--	--	--	--	--	--	--	--
Total obligations.....	0	0	1,300,000	1,902,964	--	--	1,902,964	--

Reconciliation of Obligations to Outlays:

Total obligations.....	1,902,964
Obligated before, start of year.....	1,014,000
Obligated before, end of year.....	(1,014,000)
Outlay.....	284,964 /4

/1 Includes \$200,000,000 that will be made available to the Bureau of Justice Assistance to make awards to jurisdictions pursuant to the police hiring grant program provided in the supplemental appropriations for Justice Assistance contained in the Supplemental Appropriations Act of 1995, and \$900,000 that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

/2 Includes \$1,947,000 that will be made available to the Justice Assistance Appropriation for administrative functions associated with the COPS program.

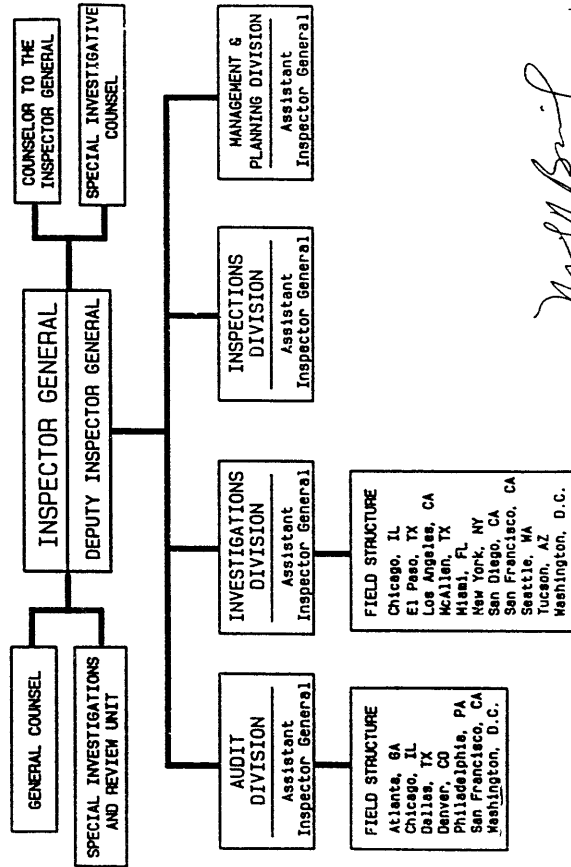
/3 Represents a \$44,198,000 increase from the \$241,802,000 outlay estimate included in the 1994 President's Budget, because \$200,000,000 will be reimbursed to the Office of Justice Programs, rather than transferred.

/4 Represents a \$74,770,000 increase from the \$835,862,000 outlay estimate included in the 1994 President's Budget, because in addition to the \$200,000,000 reimbursed to the Office of Justice Programs in 1995, \$1,947,000 will be reimbursed to the Office of Justice Programs in 1996.

Department of Justice
Office of the Inspector General
Estimates for Fiscal Year 1996
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OFFICE OF THE INSPECTOR GENERAL



Approved: *Michael R. Brown* Date: 1/26/45

MICHAEL R. BROWN
Inspector General

Office of the Inspector General
Salaries and Expenses
Summary Statement
Fiscal Year 1996

The request for the Office of the Inspector General (OIG) for 1996 totals \$36,744,000, 376 full-time permanent positions and 403 workyears. The request reflects a net increase of \$6,200,000 over the 1995 enacted level, \$1,630,000 of which is for mandatory (uncontrollable) increases. Also included is the permanent transfer of \$5,000,000 and 50 positions from the Immigration and Naturalization Service (INS) to the OIG (in lieu of the annual reimbursable agreement), a decrease of \$310,000 and 5 workyears associated with streamlining reductions and a decrease of \$60,000 for the Federal Telephone System (FTS) and procurement cuts. The OIG's request is consistent with the Administration's commitment to reduce the federal deficit through staffing and administrative reductions, reallocating resources and an increasing focus on performance measurement, strategic planning and customer satisfaction.

The OIG promotes efficient and effective management within the Department of Justice (DOJ) and detects and deters wrongdoing in Departmental programs and operations using the coordinative efforts of its investigative, inspection, and audit resources. Specifically, the OIG: (1) conducts, reports on, and follows up on financial and performance audits of Departmental programs, contracts, grants, and agreements; (2) performs short-term inspections of Departmental programs that provide early warning to the Administration and Congress regarding potential or existing problems; and (3) investigates violations of law and Department regulations for appropriate criminal prosecution, civil litigation, and/or administrative action. These activities are crucial to the Department's obligation to manage its appropriations frugally and to improve the efficiency of its activities.

During the past few months, the OIG has implemented several of the mandates contained in the President's Executive Orders and the Government Performance and Results Act (GPRA). For example, the OIG has: (1) analyzed its organizational structure and functional requirements to reduce duplicative work and streamline overall OIG operations; (2) developed its first performance goals and indicators for each of the functional areas; and (3) developed a customer service plan and, based on input from our customers, has developed and/or implemented customer service standards. We also are working with various Departmental components to coordinate efforts to improve operations through combined analyses. The feedback provided will enable us to determine how best to address component needs while fulfilling our mission requirements. We also have developed a preliminary streamlining plan reflecting proposed workyear reductions through 1999 and ideas for operational and/or functional improvements and efficiencies.

Since 1993, the OIG has found ways to operate more efficiently and maintain responsiveness as we implement NPR initiatives. We are more proactive in reducing waste in Departmental programs and operations. OIG audits and inspections are continually evolving to focus more on the outcome and results of a particular program or activity and less on compliance monitoring. While the process has proved to be both painstaking and time consuming, we are confident that we will meet--if not exceed--the expectations of the Administration and our customers. In order to achieve the desired results, however, appropriate resource levels are critical. Although we are requesting no program increases in 1996, we must stress the importance of maintaining resources to support current services operations. Additional reductions or absorptions will require decreases in program activities, which in turn, will affect not only the OIG, but also Departmental operations.

Office of the Inspector General

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Office of Inspector General

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, (\$30,500,000): Including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation. [Provided, That of the offsetting collections credited to this account, \$24,000 are permanently canceled].

\$38,744,000

(Department of Justice and Related Agencies Appropriations Act, 1995.)

Explanation of Changes:

The deleted language removes a one-time provision cancelling reimbursement associated with the General Services Administration (GSA) Rent reduction.

Office of the Inspector General
Salaries and Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

	1995 President's Budget Request		Congressional Appropriations Actions on		1995 Workyear Reductions		1995 Availability	
	Pos.	WY Amount	1995 Request	Pos. WY Amount	Pos. WY Amount	Pos. WY Amount	Pos. WY Amount	Pos. WY Amount
Activity/Program								
Audits, Inspections and Investigations	331	328 ¹ \$30,407	...	...	477	...	...	331 316 \$30,484

¹ Beginning in 1994, employment levels include workyears that previously were non-celling.

² The OIG will reduce its 1995 workyears level by twelve to provide for the unfunded portion of the 1995 pay raise.

Office of the Inspector General
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to Base:

	Perm Pos.	WY	Amount
1995 as Enacted	331	328	\$30,500
Absorption of unfunded 1995 pay raise	...	...	...
Procurement savings (P.L. 103-317)	...	-12	...
1995 Availability	331	316	-16
Transfer from the Immigration and Naturalization Service	50	50	30,484
Streamlining Reductions	-5	-5	5,000
Mandatory Increases	...	12	-310
Decreases, automatic, non-policy:	...	...	1,817
Federal Employees Retirement System (FERS)	...	...	-187
Procurement Reform	...	...	-44
Federal Telecommunication Service 2000	376	373	-16
1996 Base	376	373	\$36,744

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	1994 As Enacted			1994 Actual			1995 Availability			1996 Base			1996 Estimate			Increase/ Decrease	
	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Perm Pos.	WY	Amount	Pos.	WY Amount
Audits, Inspections and Investigations	335	335	\$30,000	335	327	\$29,995	331	316	\$30,484	376	373	\$36,744	376	373	\$36,744	...	\$...
Reimbursable Workyears	81	...	...	81	...	...	80	...	...	30	...	...	30	...	...	...	...
Total Workyears	416	...	...	408	...	...	396	...	...	403	...	...	403	...	...	...	...
Overtime:																	
ALJ/Availability Pay	22	...	...	20	...	...	20	...	...	27 ¹	...	...	27	...	...	...	...
Other	2	...	...	2	...	...	1	...	...	1	...	...	1	...	...	...	...
Total Compensable WY	440	...	...	430	...	...	417	...	...	431	...	...	431	...	...	...	...

¹ The 1996 President's budget request does not reflect the additional 7 workyears associated with availability pay in 1996, and resulting from the transfer of resources from the INS.

Office of the Inspector General
Reimbursable Resources
(Dollars in thousands)

Collections by Source:	1994 Actual		1995 Estimate		1996 Request		Increase/ Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
U.S. Trustees	29	\$2,547	30	\$2,600	30	\$2,631	...	\$31
Environmental Protection Agency ¹	2	125	...	...	...	...	...	...
INS Fee Accounts	50	4,895	50	5,000	...	...	-50	-5,000
Financial Statement Audits: ²								
Asset Forfeiture/Seized Assets	...	...	...	270	...	170	...	-100
INS User Fees .....	...	...	...	665	...	350	...	-315
JMD Working Capital Fund .....	...	28	...	290	...	150	...	-140
Community Relations Service .....	...	32	...	360	...	190	...	-170
Radiation Exp. Comp. Trust Fund .....	...	...	...	65	...	35	...	-30
BOP Commissary Trust Fund .....	...	30	...	345	...	180	...	-165
CFO Oversight .....	...	108	...	253	...	257	...	-4
Total	81	\$7,765	80	\$9,848	30	\$3,963	-50	-\$5,885

¹ In past years, this office has conducted an audit of the Department's reimbursable Superfund activities. The reimbursable agreement that funded these audit responsibilities has been terminated and the responsibility for this activity has been assumed by the Inspector General for the Environmental Protection Agency.

² Total reimbursable amounts in 1995 and 1996 differ from that reflected in the President's Budget because of additional financial statement audits required by the Chief Financial Officers Act of 1990.

Office of the Inspector General
Reimbursable Resources
(Dollars in thousands)

Obligations by Program:	1994 Actual		1995 Estimate		1996 Request		Increase/ Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Audit	46	4,138	45	6,081	30	3,963	-15	-2,118
Investigations	30	3,190	30	3,308	...	...	-30	-3,308
Inspections	5	437	5	459	...	...	5	459
Total	81	\$7,765	80	\$9,848	30	\$3,963	-50	-\$5,885

U.S. Trustees - Audit services related to recently appointed panel trustees to identify potential problem areas/weaknesses; examine annual financial reports on Chapters 12 & 13 Standing Trustees; and perform cash management reviews of Chapter 7 panel trustees.

Environmental Protection Agency - Audit services for the annual EPA Superfund audit. The responsibility for the audit in 1995 and beyond will be assumed by the EPA's Inspector General.

INS Fee Accounts - The OIG continues its reimbursement agreement with the Immigration and Naturalization Service in 1995 to support audits, investigations, and inspections performed on the various fee accounts. The permanent transfer of \$5,000,000 from the INS to the OIG is being requested in 1996 to continue and expand OIG coverage of other, more vulnerable INS programs and activities.

Financial Statement Audits - In accordance with the Chief Financial Officers Act of 1990, the OIG continues to serve as contracting officer/technical representative (COTR) for the financial statement audits of the aforementioned accounts.

Office of the Inspector General
Justification of Program and Performance
Salaries and Expenses

	<u>1995 Availability</u>	<u>1996 Base</u>	<u>1996 Estimate</u>	<u>Increase/Decrease</u>
	<u>Pos. WY Amount</u>	<u>Pos. WY Amount</u>	<u>Pos. WY Amount</u>	<u>Pos. WY Amount</u>
Audits, Investigations, and Inspections	331 316 \$30,484	376 373 \$36,744	376 373 \$36,744	...

LONG RANGE GOAL: To reduce the incidence of fraud, waste, abuse, misconduct, inefficiency, and financial non-compliance of DOJ programs and those activities funded by the Department.

MAJOR OBJECTIVES: Provide balanced audit and inspection coverage to assist Department management in achieving more efficient and effective operations. This includes responding to specific requests for audits, inspections and evaluations from Department managers to assist in improving their programs or operations.

Ensure that resources are used effectively to achieve qualitatively superior results in criminal and administrative investigations, as well as to ensure a continued focus on broad/high-impact investigations.

Perform audits and inspections of high-risk and material weakness areas identified by the Department and OMB, and maintain flexibility needed to support the Department's program priorities.

Monitor the Department's ADP processes and capabilities through the Computer Security and Information Technology Audit Office.

Conduct or oversee the performance of audits of selected Departmental financial statements in accordance with the Chief Financial Officers Act of 1990.

Implement effective audit, inspection and evaluation oversight and follow-up requirements established by legislation, regulation, or executive direction.

Examine DOJ components to ensure effective debt collection activities as well as identification and collection of user fees.

Perform inspections and program-impact evaluations of Departmental programs and activities.

Provide technical assistance and management advisory services to Department management to ensure quicker responses to requests for information, resulting in improved program operations.

Conduct an aggressive Department integrity information program to reduce employee misconduct and provide expanded fraud vulnerability briefings to more Department contracting personnel.

BASE PROGRAM DESCRIPTION: The Office of the Inspector General was established in the Department of Justice to enhance ethics and integrity and to identify and eliminate misconduct, fraud, waste, abuse, and mismanagement of public resources. To that end, the purposes of the Office are to:

- investigate violations of the laws and regulations pertaining to the Department for appropriate criminal prosecution, civil litigation, and administrative action;
- conduct, report on, and follow-up on performance audits and inspections of programs and operations within or financed by the Department.
- conduct, report, and follow-up on financial audits of Departmental organizations, programs, contracts, grants and other agreements;
- evaluate existing and proposed legislation and regulations affecting the prevention and detection of fraud, waste, and abuse in Department programs and operations;
- report to the Attorney General and the Congress on problems and deficiencies in the administration of Department and Department-financed programs and operations, and progress made in implementing recommended corrective actions;
- coordinate and cooperate with Federal, state, and local government agencies and non-government entities to promote efficiency and effectiveness and prevent and detect fraud, waste, and abuse in programs and operations within, or financed by, the Department.

Consistent with the Act, guidance received from the Office of Management and Budget (OMB), and recommendations from the President's Council on Integrity and Efficiency (PCIE), this office will emphasize: (1) the need for early warning systems to detect potential problems before they develop; (2) the need to monitor actual implementation of corrective measures after potential weaknesses have been identified; and (3) the comprehensive reporting of problems, deficiencies and progress of corrective actions to the Attorney General and other Department officials and the Congress.

The major functions of the OIG include audit, investigations, and inspections:

- The Audit Division conducts, reports on, and tracks the resolution of financial and performance (including economy and efficiency and program) audits of organizations, programs and functions of the Department, including expenditures made by the Department through contracts, grants, and other agreements.

- The Investigations Division investigates alleged violations of bribery, fraud, abuse, and integrity laws that govern the Department and the operations it finances, and develops such allegations for criminal prosecution and civil or administrative action.
- The Inspections Division works with Department management to identify the most useful and meaningful assignments as it addresses both new and existing operations and programs within or financed by the Department. The Inspections Division offers a wide variety of services, ranging from providing technical assistance and management advisory services to full evaluation reports. Reviews, which focus on customer-oriented approaches to improve the management of the Department and its components, are tailored to provide rapid analysis and feedback in an objective and balanced manner.

An Executive Direction and Control function establishes and issues policy and program direction for the OIG. Specific responsibilities include policy development, legal counsel, legislative matters, planning, budget, finance, quality assurance and evaluation, personnel, training, procurement, automated data processing/network communications and general support services.

ACCOMPLISHMENTS AND WORKLOAD: Following are significant OIG accomplishments during 1994.

- OIG Special Agents made 140 arrests and conducted investigations that resulted in the return of 109 indictments and 108 convictions;
- As a direct result of OIG investigations, the Department recovered almost \$177 thousand in the form of fines, restitutions and recoveries;
- The OIG received and processed 4,957 complaints;
- Agents closed 550 investigations and had 351 pending; referred 664 allegations to other Justice components for appropriate action, and are monitoring 602 referred cases;
- Agents provided 53 Integrity Awareness briefings to 1,952 Justice employees;
- Investigations personnel provided supervisory expertise over the receipt and processing of 9,896 opinions and 688 suggestions received over the OIG HOTLINE and the AG On-Line;
- Issued 14 final inspection reports;
- Issued 33 internal audit reports;
- The Audit Division issued 247 external reports encompassing 1,272 Department of Justice contracts, grants, and other agreements totaling \$516,265,510.

The following table displays the basic workload factors for the OIG.

Item	1993	1994	Estimates	
			1995	1996
Audits:				
Internal	18	26	20	20
External ¹	1,351	1,272	1,225	1,200
U.S. Trustees	450	429	425	425
CFO Audits	6	7	8	8
Investigations: ²				
Cases pending, beginning of year	1,638	2,119	1,058	1,758
Cases Opened	1,433	1,791	1,900	2,100
Cases Closed	1,157	2,852 ³	1,200	1,300
Cases pending, end of year	1,914	1,058	1,758	2,558
Inspections				
	14	14	15	17

In addition to basic program activities, the OIG is continuing its initiatives in specific areas of interest and importance. For instance, the OIG's San Diego Field Office completed a 90-day civil rights initiative in which the OIG: (1) reviewed the efficiency and effectiveness of the current reporting system for civil rights complaints; (2) conducted proactive activities to deter civil rights abuses by certain Departmental employees; (3) expedited referral or investigation of civil rights allegations received; and (4) uncovered systematic problems that impeded the effective investigation of civil rights matters. Additionally, a Spanish language poster that explains how to convey information regarding DOJ employee misconduct was designed in conjunction with a postage-free Spanish language mail-in complaint form. Both were distributed throughout the southwestern U. S.

The OIG also is expanding its technical assistance and advisory services in response to the GPRA. For example, OIG inspectors conducted on-site visits to local law enforcement agencies to evaluate their experiences with the Police Hiring Supplement (PHS) grant program—a precursor to the community-oriented policing grant program funded under the Violent Crime Control and Law Enforcement Act (VCCA). Feedback from the organizations provided Departmental executives valuable observations and suggestions as to how the grant application process could be improved, thereby aiding in the successful implementation of the VCCA.

¹ Workload figures refer to the total number of contracts, grants, and agreements being reviewed by the Audit Division.

² Cases include investigations and monitored referrals, and beginning in 1994, preliminary investigations are included.

³ In 1994, the OIG made a special effort to identify and eliminate stagnated cases, more than doubling its case closings as a result.

The Inspections Division also is expanding its technical and management assistance efforts. For example, OIG inspectors recently provided technical assistance to the Office of Justice Programs (OJP) in reviewing grant applications to help expedite the award process. Technical assistance services also are offered to provide comments and recommendations on the implementation of new systems or procedures. Recommendations and information exchange are accomplished verbally, which ensures an immediate response as well as promotes an atmosphere of openness and clarity among the participants. The Division expects to provide eight of these types of reviews in 1995 and twelve in 1996.

For almost 18 months, the OIG operated a Justice Performance Review Lab--the AG On-line--in response to Vice President Gore's National Performance Review. The AG On-Line is the vehicle through which Department employees submit suggestions, ideas, and opinions on how to improve the Department of Justice. Established in July 1993, it was to be a 3-month pilot project, but that period was extended through 1994. In January 1995, AG On-Line operations were relocated from the OIG to the Justice Management Division.

The need to develop more efficient ways of accomplishing our mission, combined with the changing needs of the Department, has resulted in the creation of the Special Investigations and Review Unit (SIRU). The Unit is responsible for investigating and reviewing sensitive matters, including those referred to us by high-level Department officials and is the result of consolidating the offices and functions of the Special Inquiry Section and the Internal Control Unit. Since it was formed, SIRU has initiated 12 new investigations or reviews and continued the examination of 14 previously opened inquiries. Among its work has been an on-site investigation of an applicant for a Community Oriented Policing Services (COPS) police hiring grant and a management review of the staffing of the Information Management Staff of the Executive Secretariat and the Mail Referral Unit of the Justice Management Division.

The OIG continues to significantly effect Departmental programs and activities. We have learned to adapt to changing priorities and needs and are concentrating our efforts in areas where significant results can be achieved--whether those results are in cost savings or recoveries, increased revenues, or significantly enhanced program and/or operational efficiencies. The following examples represent the types of reviews performed by our audit and inspections staffs.

- An audit of the INS's collection of carrier fees disclosed that INS staff did not administer the fee collection process to maximize revenues for inspection services. OIG auditors identified 22 airlines owing fees of approximately \$16 million for which INS showed no collections for the 2-year audit period. Additionally, total under-payments could be considerably higher because other airlines that did remit fees may not have done so accurately. Overall, an estimated \$46 million could be owed to the INS.
- An audit of the FBI's forensic services revealed that the FBI could provide faster service to customers, strengthen accountability of requests and specimens, enhance quality assurance practices, and provide safer conditions for employees. Additionally, the FBI provides forensic services to non-Federal law enforcement agencies free of charge. This has resulted in curtailment of some services and reduced timeliness in processing some requests. We recommended that the FBI determine its costs for providing services to non-Federal agencies and consider establishing appropriate fees. It is estimated that such a fee structure would enhance revenues by \$8 million annually.

- A 2 1/2-year joint investigation by the OIG and the U.S. Customs Service, Office of Internal Affairs, identified Turkish and Chinese alien smuggling rings and a Chinese textile smuggling operation and prevented the importation of contaminated food into the U.S. from China. The investigation was initiated when a ringleader offered bribe money to an INS inspector to allow people to leave and re-enter the U.S. Undercover agents posing as corrupt INS inspectors were offered millions of dollars a year in bribe money to assist with the smuggling operations. Over \$150,000 in cash was received during the investigation. The operation resulted in the arrest of 30 people, 20 of whom have plead guilty.
- A joint OIG and Drug Enforcement Administration (DEA) investigation led to the arrest of an INS Border Patrol agent, a detention enforcement officer and ten co-conspirators on charges of bribery, conspiracy, possession with intent to distribute a controlled substance and engaging in a continuing criminal enterprise. The agent admitted to allowing 5,714 pounds of marijuana to pass through the Border Patrol checkpoint into the U.S., in return for \$40,000. The detention officer admitted to working with the agent and to allowing 400 pounds of marijuana to pass through the same checkpoint. Both INS employees resigned during the early stages of the investigation, admitted their guilt, and cooperated with the government. Three of the civilians have plead guilty and prosecution is pending for the remaining co-conspirators.

These cases exemplify the kind of investigative work expected of the OIG. They strike at the core of serious misconduct in Department programs or on the part of Department employees; but, these investigations require considerable resources if there is to be any hope of bringing them to successful completion. It is imperative that we remain responsive and flexible in the investigations area. While the majority of OIG investigative resources remain concentrated on serious instances of criminal misconduct, we also monitor administrative cases that are handled by internal affairs units in INS, BOP, and USMS, and conduct many serious administrative cases involving potential misconduct or other kinds of personnel and management abuses for the Department.

The OIG also is looking at its internal activities. During the past few months, significant progress has been made in the area of performance measurement. When fully implemented, the system will allow us to evaluate total program performance, identify potential problem areas where change is required, and operate much more efficiently at a time when resources are scarce. The lessons learned from the development and implementation of an OIG-wide system will be invaluable to other organizations as the Department moves toward full implementation of a performance measurement system.

ANNUAL PERFORMANCE GOALS:

1. Issue audit products that promote economy, effectiveness and efficiency within the Department.
2. Reduce the processing time of investigative referrals to Departmental components to 24 hours.
3. Assist Department management in the prevention of fraud and abuse in the Department.
4. Increase the number of senior Department officials and employees in high risk groups reached through Integrity Awareness Training.
5. Receive and process allegations, including investigating those involving criminal violations, and monitor all phases of prosecution to include arrest, indictment, and conviction.

PERFORMANCE INDICATORS:

1. Meet with auditees, when feasible, to review findings and conclusions and co-develop recommendations for improved operations prior to issuance of reports.
2. a. Average number of hours needed to review and transmit referral to component for action.
b. Levels of review required.
3. Issue Notifications of Irregularities based on facts detected as a result of audit work.
4. Number of employees attending integrity briefings.
5. a. Number of arrests, indictments and convictions.
b. Number of complaints processed.
c. Number of cases opened, closed, and pending.

FACTORS AFFECTING PROGRAM PERFORMANCE:

Existing OIG resources maintain a threshold level of monitoring and surveillance of current Departmental programs and employees. The addition of major new initiatives, large increases in Department expenditures or changes in the ways they are expended, new high-risk programs, and substantial additions to the population of Department employees are all factors that can significantly affect the achievement of OIG goals.

The OIG's request includes the permanent transfer of \$5.0 million and 50 positions from the INS salaries and expenses appropriation. The transfer is in lieu of the annual reimbursement agreement between the OIG and the INS, which was suggested and authorized during the 1992 appropriations process and continued through 1995. The transfer will enable the OIG to be more responsive to the needs of the INS by allowing these resources to be expended in other, more vulnerable INS activities not related to the fee accounts. Under the current reimbursement agreement, the OIG is reimbursed only for its fee-related work. The additional resources will benefit INS operations by ensuring OIG coverage of programs and activities most in need.

Office of the Inspector General
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		1996	
	Auth.	Reimb.	Auth.	Reimb.	Auth.	Reimb.
Personnel Management (200-299)	5	...	5	...	4	...
Gen. Admin. & Clerical (300-399)	161	7	157	7	159	2
Accounting & Budget (500-599)	52	44	52	43	66	28
Attorneys (605)	5	...	5	...	5	...
Business & Industry (1100-1199)	1	...	1	...	1	...
Investigative Assistants (1802)	2	6	2	6	8	...
Criminal Investigations Series (1811)	109	24	109	24	133	...
Total	335	81	331	80	376	30
Washington	133	19	129	19	139	7
U.S. Field ¹	202	62	202	61	237	23
Total	335	81	331	80	376	30

¹ Includes 25 positions for field offices in the Washington, D.C. standard metropolitan statistical area (SMSA) in each year.

Office of the Inspector General
Salaries and expenses
Schedule of Motor Vehicles

Method of Acquisition and Type of Vehicle	1993 End of Year Inventory	1994			1995			1996		
		Disposed	Acquired	End of Year	Disposed	Acquired	End of Year	Disposed	Acquired	End of Year
Direct Purchase:	10	...	...	10	...	...	10	...	...	10
Van	1	...	...	1	...	...	1	...	...	1
Pickup	...	...	...	...	...	...	...	...	...	...
Subtotal Purchased	11	...	...	11	...	...	11	...	...	11
Leased:	8	8	...	...	...	...	...	...	...	...
Compact sedan	61	27	27	61	32	28	67	29	29	57
Midsize sedan	8	1	2	9	6	7	10	2	2	10
Fullsize sedan	...	...	...	...	...	...	...	...	...	...
Stationwagon	...	...	...	...	...	...	...	...	...	...
Utility	15	4	10	21	11	14	24	11	11	24
Subtotal Leased	92	40	39	91	49	49	91	42	42	91
Total Vehicles:	103	40	39	102	49	49	102	42	42	102

Office of the Inspector General
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WY	Amount
1995 Availability	331	316	\$30,484
Streamlining	5	5	-310
Transfer from INS salaries and expenses	50	50	5,000
Mandatory Increases:			
One additional compensable day	...	...	105
1996 pay raise	...	...	425
Annualization and increase of the 1985 pay raise	...	12	541
Within-grade increases	...	...	412
Health benefits	...	...	186
\$80 supplemental retirement contributions	...	...	32
Postal rate increase	...	...	5
General pricing level adjustments	...	...	111
Total, Mandatory Increases	...	12	1,817
Decreases:			
Federal Employees Retirement System (FERS)	...	...	-187
FTS 2000	...	...	-44
Procurement Savings	...	...	-18
Total, Decreases	...	...	-247
1996 Request	376	373	\$36,744

Office of the Inspector General
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)

	Poa.	WY.	Amount
1. <u>Streamlining</u>	-5	-5	- \$310
During 1996, a reduction of 5 workyears will be effected as follows: 1 personnel specialist; 1 budget analyst; and 3 headquarters staff. The reduction will be achieved through attrition and the redirection of headquarters staff to program/operational positions.			
2. <u>Transfer from INS salary and expense account</u>	50	50	5,000
The permanent transfer of \$5,000,000 is in lieu of the annual reimbursement agreement between the INS and the OIG, which was suggested and authorized during the 1992 appropriations process. The current agreement allows for reimbursement of OIG expenditures that clearly are related to either the user or examination fee account. The transfer of these resources will enable the OIG to be more responsive to the needs of INS by allowing their expenditure in other, more vulnerable INS programs and activities not related to the fee accounts.			
<u>Subtotal, Adjustments to base</u>	<u>45</u>	<u>45</u>	<u>\$4,690</u>

145

Mandatory Increases:

1. <u>One additional compensable day</u> .....	...	...	105
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$75,000 for pay and \$30,000 for benefits).			
2. <u>1996 pay raise</u> .....	...	...	425
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$425,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$306,000 pay and \$119,000 benefits = \$425,000).			

**Office of the Inspector General
Salaries and Expenses
Justification of Adjustments in Base
(Dollars in Thousands)**

	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
1. Streamlining During 1996, a reduction of 5 workyears will be effected as follows: 1 personnel specialist; 1 budget analyst; and 3 headquarters staff. The reduction will be achieved through attrition and the redirection of headquarters staff to program/operational positions.	-5	-8	-8310
2. Transfer from INS salary and expense account This permanent transfer of \$5,000,000 is in lieu of the annual reimbursement agreement between the INS and the OIG, which was suggested and authorized during the 1992 appropriations process. The current agreement allows for reimbursement of OIG expenditures that clearly are related to either the user or examination fee account. The transfer of these resources will enable the OIG to be more responsive to the needs of INS by allowing their expenditures in other, more vulnerable INS programs and activities not related to the fee accounts.	50	50	5,000
Subtotal, Adjustments to base	<u>45</u>	<u>45</u>	<u>\$4,890</u>

Mandatory Increases:

1. One additional compensable day The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$75,000 for pay and \$30,000 for benefits).	...	...	106
2. 1996 pay rates This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$425,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$308,000 pay and \$119,000 benefits = \$428,000).	...	...	425

	Pos.	WY	Amount
3. <u>Annualization and increase of the 1985 pay rates</u> This pay annualization represents the first quarter amounts (October through December) of the anticipated 1985 pay increase of 3.3 percent effective in January 1984 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year \$388,000 for pay and \$152,000 for benefits.	...	12	541
4. <u>Within-grade increases</u> This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation and career ladder series to reflect promotion policy for each organization. This request includes \$311,000 for pay and \$101,000 for benefits.	412
5. <u>Health benefits</u> The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 80 percent of the total rate commencing in 1978. This rate was subsequently increased to 72 percent. The requested increase of \$186,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1984 projected for a full year.	186
6. <u>180 supplemental retirement contributions</u> For FY 1985 to 1988, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 180 times the number of employees who, as of March 31, of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$32,000 provides for this contribution.	32
7. <u>Postal rate increase</u> The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1985. The cost will rise from 28 to 32 cents per stamp. An increase of \$5,000 is requested in 1985 to cover this rate adjustment.	5

<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
Decreases:		
8. General Pricing Level Adjustments .....	...	111
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against the subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Total mandatory increases	12	1,817
1. Federal Employees Retirement System (FERS) .....	...	-187
Effective October 2, 1994 there was an overall reduction in the amount of required agency contributions for FERS. The law enforcement agency rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4 percent. The estimated decrease is \$187,000.		
2. FTS 2000 .....	...	-44
This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$44,000.		
3. Procurement Savings .....	...	-16
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$16,000.		
Total mandatory decreases .....	...	-247
Net Adjustments	57	\$6,260

**Office of the Inspector General
Statistics and Estimates
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

	1994 Actual		1995 Estimate		1995 Request		Increase/ Decrease	
	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount	Pos. & WY	Amount
Grades and Salary Ranges								
Executive Level IV, \$116,700	1	1	1	1	1	1	...	...
ES-6, \$116,700	1	1	1	1	1	1	...	...
ES-5, \$111,800	3	3	3	3	4	4	1	1
ES-4, \$107,300	1	1	1	1	1	1	...	...
ES-3, \$101,800	...	...	2	2	1	1	-1	-1
ES-2, \$97,400	2	2	...	...	...	...	...	...
GS-16, \$70,482 - \$6,860	32	34	34	34	33	33	-1	-1
GS-14, \$69,820 - \$1,490	47	46	46	46	46	46	...	...
GS-13, \$60,708 - \$6,959	81	78	78	78	122	122	44	44
GS-12, \$42,641 - \$7,992	48	46	46	46	46	46	...	...
GS-11, \$35,578 - \$8,386	50	46	46	46	40	40	-6	-6
GS-10, \$32,382 - \$4,046	1	1	1	1	1	1	...	...
GS-9, \$29,406 - \$3,993	24	32	32	32	36	36	4	4
GS-8, \$26,922 - \$3,202	11	10	10	10	10	10	...	...
GS-7, \$24,038 - \$2,688	19	16	16	16	16	16	...	...
GS-6, \$21,632 - \$2,419	11	16	16	16	16	16	...	...
GS-5, \$19,407 - \$2,388	3	2	2	2	2	2	...	...
Locality Pay	...	...	...	...	...	...	...	...
1995 pay raise	...	...	...	...	...	...	...	...
Total, appropriated positions	336	\$18,176	331	\$18,791	376	\$21,361	46	\$2,670
Pay above stated annual rates	...	72	...	...	...	76	...	76
Lapses	-13	686	-19	-1,063	-7	-389	12	664
Savings due to lower pay scales for part of year	...	-152	...	-203	...	-133	...	70
Net full-time permanent	322	17,401	312	17,636	369	20,904	67	3,389
Other than permanent:								
Part-time permanent	1	80	1	34	1	36	...	1
Temporary Employment	2	147	2	160	1	116	-1	-32
Other than part-time, students & intermittent	2	100	1	30	2	73	1	43
Other personnel compensation:								
Overtime	1	36	1	69	1	72	...	3
Administratively Uncontrollable Overtime	21	1,366	20	1,346	27	1,736	7	390
Other compensation	...	263	...	97	...	112	...	16
Special Personnel Services	...	...	...	31	...	...	...	...
Total, workyears & personnel compensation	349	\$19,386	337	\$19,282	401	\$23,080	64	\$3,788

**Office of the Inspector General
Salaries and Expenses
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Object Class	1994 Actual Workyears Amount	1995 Estimate Workyears Amount	1996 Request Workyears Amount	Increase/Decrease Workyears Amount
11.1 Full-time Permanent	323	17,401	312	17,535
11.3 Other than full time	4	297	4	214
11.5 Other personnel compensation	22	1,657	21	1,512
11.8 Special Personnel Services				31
Total	349	19,355	337	19,292
Reimbursable workyears:				
Full-time permanent	(61)		(60)	
Other objects				
12.0 Personnel Benefits	3,769	3,933		5,103
13.1 Benefits for Former Personnel	20	20	20	20
21.0 Travel and transportation of persons	1,399	1,446		2,078
22.0 Transportation of things	44	49	64	64
23.1 GSA Rent	3,121	3,124	3,478	356
23.3 Communications, utilities and misc.	937	951	968	17
24.0 Printing and reproduction	36	36	52	17
25.0 Other services	872	1,336	1,516	180
26.0 Supplies and materials	223	199	257	58
31.0 Equipment	220	99	126	27
Total obligations	29,995	30,464	36,744	6,270
Relation of obligations to outlays:				
Obligated balance, start of year	1,117	208	1,707	
Obligated balance, end of year	208	1,707	2,058	
Outlays	30,904	28,986	36,383	
Average ES Salary	(\$106,400)	(\$109,700)	(\$111,000)	
Average GS Salary	(\$48,466)	(\$53,242)	(\$54,583)	
Average GS Grade	(12.3)	(12.0)	(11.9)	

¹ The 1996 President's budget request does not reflect the additional 7 workyears associated with availability pay in 1996, and resulting from the transfer of resources from the INS.

Department of Justice
Weed and Seed Program Fund
Estimates for Fiscal Year 1996
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Weed and Seed Program Fund

Summary Statement

Fiscal Year 1995

For 1995, the Executive Office for Weed and Seed is requesting a total of 7 positions, 7 workyears, and \$5,000,000 for the Weed and Seed Program Fund. This request represents a decrease of \$8,456,000 from the 1994 enacted appropriation.

The Weed and Seed Program Fund, which continues the Weed and Seed strategy, initially funded by the Office of Justice Programs (OJP) and the U.S. Attorney, was established as a separate program in the 1993 Appropriation Act, P.L. 102-395. The program is charged with national implementation of Operation Weed and Seed. Operation Weed and Seed is a comprehensive, multi-agency approach to combating violent crime, drug use, and gang activity in high-crime neighborhoods. The goal is to "weed out" crime from targeted neighborhoods and then to "seed" the areas with a wide range of crime and drug prevention programs as well as human service agency resources to prevent crime from reoccurring. The strategy emphasizes the importance of a coordinated approach, bringing together Federal, State and local government, the community, and the private sector to form a partnership to create a safe, drug-free environment.

Budget authority is requested for two programs: the Executive Office for Weed and Seed, which provides for the management and administration of the Fund, and the Weed and Seed Grant Program, which provides funding assistance and training and technical guidance to "weed and seed" designated communities. The grant program also provides training and technical assistance to cities seeking official recognition for implementation of the Weed and Seed strategy on their own.

In addition to the budget authority of \$5,000,000, requested under the Weed and Seed Program Fund, the Department is requesting that 1995 funding of \$13,500,000 be provided from the Edward Byrne discretionary grant program, administered by the Office of Justice Programs (OJP), and that \$5,000,000 be provided from the Community Oriented Policing Service for the hiring of police officers at weed and seed sites. In total, the Department's budget request for 1995 includes \$23,500,000 for Weed and Seed.

Management and Administration

The Executive Office for Weed and Seed, referred to in this submission as the Management and Administration program, develops policy for Operation Weed and Seed and serves as the primary point of contact for information and decision making for the program nationally. The office also supports the U.S. Attorneys, who are responsible for the locally driven development and implementation of the Weed and Seed strategy in communities across the country, and serves as liaison to the various Federal agencies whose activities support the Weed and Seed concept. At present, the Executive Office for Weed and Seed is an organizational component of the Office of the Deputy Attorney General. However, the Department has submitted a reorganization request to the Congress, which would place responsibility for the direction of the Executive Office for Weed and Seed under the Assistant Attorney General for OJP.

Weed and Seed Grant Program

The Weed and Seed Grant Program provides funding assistance to State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "weed and seed" designated communities.

Weed and Seed Program Fund

Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Weed and Seed Program Fund

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, (\$15,150,000) to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with state and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses or transfers to appropriated communities, and for either reimbursements to other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

\$5,000,000

(Department of Justice and Related Agencies Appropriations Act, 1994).

Explanation of Changes:

Weed and Seed Program Fund
Consolidation of 1994 Changes
 (Dollars in thousands)

	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Reconciliation		1995 Appropriation Anticipated	
	Pos.	NI	Pos.	NI	Pos.	NI	Pos.	NI
Activity/Program								
1. Weed and Seed Grant Program.....	...	...	...	...	...	...	...	\$12,667
2. Management and Administration.....	7	7	789	...	...	...	7	782
Total.....	7	7	13,456	...	...	...	7	13,456

Weed and Seed Program Fund

Summary of Reallocations (Dollars in thousands)

	Perm.	WY.	Amount
	Pos.	WY.	Amount
Adjustments to base:			
1985 appropriation anticipated	7	7	\$13,488
Mandatory increase			
1985 pay adjustments			
One additional compensable day			22
\$80 required "buyout" payment to OPM			3
General pricing level adjustment			1
Total, mandatory increase			18
1986 Base	7	7	13,500

	1984 as Enacted	1984 Actual	1984 Appropriation Enacted	1986 Base	1986 Estimate	Increase/Decrease
	Perm. Pos.	WY. WY.	Amount Amount	Perm. Pos.	WY. WY.	Amount Amount
Estimates by Budget activity						
1. Weed and Seed Grant Program	7	7	\$11,710	\$12,687	\$4,211	-\$8,488
2. Management and Administration	7	7	878	789	789	-\$44
Total	7	7	12,588	7	7	8,000

Weed and Seed Program Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1993 as Requested		1994 Base		1995 Estimate		Increase/Decrease	
	Fed.	NY	Fed.	NY	Fed.	NY	Fed.	NY
Activity: Weed and Seed								
Grant Program.....	...	\$12,667	...	\$12,667	...	\$5,000	...	-8,456

LONG RANGE GOAL: The Department of Justice Weed and Seed Grant Program provides funding assistance to State and local law enforcement agencies which are investigating and prosecuting violent crimes and drug offenses in "weed and seed" designated communities. These grant resources, which will essentially be used to "weed out" violent crime, drug trafficking, and drug-related crime from targeted high-crime neighborhoods, will be integrated with other Federal, State and local, and private sector resources to accomplish the long range goal of revitalizing neighborhoods where citizens may live, pursue opportunity, and raise their families without being threatened by crime.

MAJOR OBJECTIVES:

To encourage the development and implementation of the Weed and Seed strategy in communities across the country through funding of geographically diverse projects in large, medium, and small sized communities.

To maximize coordination and cooperation and to concentrate Federal, State, local, private sector, law enforcement and social service agencies resources in the effort to revitalize neighborhoods.

BRIEF PROGRAM DESCRIPTION: The purpose of the Weed and Seed Grant Program, established by P.L. 102-395, the Department of Justice and Related Agencies Appropriations Act, 1993, is to provide funding assistance to State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities to execute the Weed and Seed program strategy. The strategy is comprised of four basic elements: (1) coordinated law enforcement efforts to "weed out" violent offenders in targeted neighborhoods (2) Community Oriented Policing, which operates in support of intensive law enforcement suppression activities and provides a "bridge" to programs aimed at prevention, intervention and treatment, and neighborhood reclamation and revitalization; (3) increased availability of human services in demonstration neighborhoods -- such as drug and crime prevention programs, educational opportunities, drug treatment, family services and recreational activities -- to create a crime free environment; and (4) economic development and expanded opportunities for residents to revitalize distressed neighborhoods.

The criteria for selecting and funding Weed and Seed sites is as follows:

- High or rapidly increasing incidence of violent crime.
- Existing, viable community infrastructure.
- Cooperative governmental partnerships, good cooperation between governmental and private civic and social service organizations.
- Strong U.S. Attorney offices.
- History of innovative programming at local level.
- If large city is being considered, project site should be clearly, easily identifiable section of metropolitan area.
- Available funding from reprogrammable Federal program dollars and existing private/local matching funds.

GOVERNMENT INITIATIVES AND WORKLOAD: Grant funding assistance, to demonstrate the Weed and Seed strategy, was initially provided by the Office of Justice Programs (OJP) and the U.S. Attorney. In 1991, OJP, through the Bureau of Justice Assistance (BJA), awarded grants to establish the first three Weed and Seed pilot sites at Trenton, New Jersey; Kansas City, Missouri; and Omaha, Nebraska. In 1992, the Weed and Seed initiative grew from the original three pilot sites to a total of 19 cities with a Weed and Seed program. In addition, funding was committed to establish a total of 21 Weed and Seed sites. In FY 1994, 13 of the 19 sites were added to bring the total number of funded sites to 36. These 36 sites will continue to be funded in FY 1995. A summary of the grant allocations for 1994 and 1995, by location, is reflected below. The allocations are based on budget authority.

FUNDING NUMBER	1972			1973			TOTAL
	EDUC	HA	SLA	EDUC	HA	SLA	
Core Strategy	300,000	200,000		500,000			500,000
Atlanta, Georgia	300,000	200,000		500,000			500,000
Brockton, Florida	300,000	200,000		500,000			500,000
Charleston, South Carolina	300,000	200,000		500,000			500,000
Chelsea, Massachusetts	300,000	200,000		500,000			500,000
Chicago, Illinois	300,000	200,000		500,000			500,000
Denver Colorado	300,000	200,000		500,000			500,000
Fort Worth, Texas	300,000	199,277		499,277			500,000
Hartford, Connecticut	273,370	182,246		455,616			500,000
Millborough County, Florida	181,755	314,388		496,143			500,000
Rolland County, Michigan	271,369	180,912		452,281			500,000
Indianapolis, Indiana	248,797	165,865		414,662			500,000
Kansas City, Missouri	300,000	200,000		500,000			500,000
Las Vegas, Nevada	267,227	178,155		445,378			500,000
Los Angeles, California	300,000	80,000		380,000			500,000
Madison, Wisconsin	300,000	200,000		500,000			500,000
Milwaukee, Wisconsin	248,647	164,431		413,078			500,000
Mobile, Alabama	280,558	187,018		467,574			500,000
North Charleston, South Carolina	300,000	200,000		500,000			500,000
Ocala, Florida	273,892	182,394		456,286			500,000
Ocala, Nebraska	300,000	200,000		500,000			500,000
Orange County, Florida	300,000	200,000		500,000			500,000
Philadelphia, Pennsylvania	300,000	170,168		470,168			500,000
Phoenix, Arizona	231,031	194,021		425,052			500,000
Pittsburgh, Pennsylvania	300,000	200,000		500,000			500,000
Richmond, Virginia	300,000	200,000		500,000			500,000
San Antonio, Texas	300,000	200,000		500,000			500,000
San Diego, California	300,000	200,000		500,000			500,000
San Jose, California	256,998	171,332		428,330			500,000
Santa Ana, California	300,000	200,000		500,000			500,000
Savannah, Georgia	269,285	179,523		448,808			500,000

	1991 as Requested		1992 Base		1992 Estimate		Increase/Decrease		
	Per.	Est.	Per.	Est.	Per.	Est.	Per.	Est.	
Activity: Management and Administration/ Executive Office for Weed and Seed.....	7	7	7	7	7	7	7	7	-814

LONG RANGE GOAL: To administer the national program, Operation Weed and Seed in the most effective and efficient manner possible.

MAJOR OBJECTIVES:

To develop a comprehensive, multi-agency strategy to control and prevent violent crime, drug trafficking, and drug related crime in targeted high-crime neighborhoods.

To identify and coordinate Department of Justice resources and other Federal, State and local, and private sector resources in support of Weed and Seed.

To develop and execute training and technical assistance.

To distribute information about the program to the public, the Congress, State and local governments, and the private sector.

To serve as liaison between the Federal agencies and communities developing a Weed and Seed strategy.

To develop and distribute implementation information to communities through the U.S. Attorneys.

To manage and analyze results of each funded program to determine to what extent the program was implemented as intended and what impact the program had on the stated problem.

WEEK PROGRAM DESCRIPTION: The Executive Office for Weed and Seed is charged with national implementation of Operation Weed and Seed, a new neighborhood revitalization program that coordinates law enforcement with social services, housing, and community redevelopment programs. The office develops policy for Operation Weed and Seed and serves as the primary point of contact for information and decision making for the program nationally. The office also supports the U.S. Attorneys, who are responsible for the locally driven development and implementation of the Weed and Seed strategy in communities across the country. The office was initially created on July 20, 1992 as an arm of the Office of the Deputy Attorney General and was funded from existing resources within the General Administration Appropriation. With enactment of the 1993 Appropriations Act for the Department of Commerce, State and Justice, the office was established as a decision unit within the Weed and Seed Program Fund.

ACCOUNTING AND WORKLOAD:

Interagency Programs:

Safe Haven Program: This program, which represents a collaborative effort involving EOWS, BJA, and the Department of Education (DOE), and Housing and Urban Development (HUD), is a concept that has its origin in the initial pilot efforts of Operation Weed and Seed. The program brings together education, community services, law enforcement, health, and recreation to provide alternative and supportive activities for high-risk youth and their residents of the targeted communities. With HUD funds, grants were made to Cities in Seattle to implement the Safe Haven Program in FY 1991. EOWS and BJA jointly funded grant awards of \$30,000 each to 20 sites to continue support for Safe Haven coordination and management activities.

Training and Technical Assistance

In addition to the initial program implementation manual, for which distribution is still ongoing, EOWS publishes a monthly newsletter announcing developments in Weed and Seed policy and the progress experienced at current Weed and Seed sites. The newsletter is distributed to Weed and Seed sites, as well as other interested Federal, State and local, and community leaders. EOWS has also developed a video library for use by those developing a Weed and Seed strategy.

Training and technical assistance is an essential component of Operation Weed and Seed. It is designed to support program development and implementation related to the four elements of the Weed and Seed strategy. Most of the training and technical assistance efforts have been jointly sponsored by or coordinated with other Federal agencies. Following are major training and technical assistance efforts that have been implemented or are being developed for implementation in FY 1995.

Boys and Girls Clubs in Public Housing: In FY 1993, BJA provided a grant of \$2,500,000 to the Boys and Girls Club of America (BGCA). Of this amount, BGCA allocated approximately \$1,000,000 to establish clubs in public housing in Weed and Seed sites. Between \$25,000 and \$100,000 was provided to each site, as well as training and technical assistance to facilitate the development or expansion of activities.

Community Policing: Beginning in 1992, the Department of Justice and HUD conducted a joint program designed to combat violent crime, gang activity, and drug trafficking in public housing developments. Under a joint agreement, HUD and BJA provided funds to support joint development of a training curriculum and technical assistance plan for implementing community policing and other elements of Operation Weed and Seed in public housing developments. In addition, the funds supported regional training sessions for public housing officials, residents, law enforcement and other community representatives. Implementation of the program began in 1993 with a series of training workshops, which continued through February of 1994. In FY 1995, this program will be continued by the BJA Community Policing Consortium, which will provide assistance to Weed and Seed sites regarding community policing and its implementation at the policy, procedure, and practice levels.

Step Up: This training and technical assistance program was initiated in FY 1993 through an interagency agreement among HUD, The Department of Labor (DOL), DOJ and Health and Human Services (HHS). The purpose of the program is to provide training and technical assistance on how to develop an implement a Step-Up program, which provides employment, job training, support services, and career opportunities to residents of public housing, probationers and parolees, and other low income persons. In FY 1994, funds were committed to provide training for three or four Weed and Seed sites and probation and parole agencies, as well as provide approximately \$30,000 to develop a prototype coordination function in San Antonio, Texas.

Neighborhood Restoration: This training and technical assistance activity will provide assistance in the design and implementation of strategies for economic development, expansion of employment opportunities, and restoration of housing and the overall physical environment. Local community development corporations will be promoted as a primary component of neighborhood restoration strategies. An interagency effort with HUD is underway.

Leadership Employment for At-Risk Services Personnel (LEASP): This new training and technical assistance effort is a joint venture among DOL, DOJ, Department of Education, HUD, and Health and Human Services. A total of \$350,000 will be provided to the National Center for Housing Management to prepare a training curriculum and provide training and technical assistance to Weed and Seed sites as well as other communities. The DOL funds would support the curriculum, training, and technical assistance. Planning and limited technical support of military personnel as resident managers and assistant managers in public housing facilities located in Weed and Seed sites and other troubled neighborhoods.

Home Visitation Teams: Working with HHS, EOWS plans to provide technical and limited financial assistance to selected sites to implement a home visitation program. The model to be implemented features the use of nurses as case managers to work with high risk young mothers during the pre-natal and post-natal periods. The nurses will provide and broker intensive health, nutrition, educational, and employment services towards the goal of self sufficiency and healthy children.

Seedling Initiatives:

Youth Crime Watch: In FY 1993, EOWS is planning to provide funding for Youth Crime Watch. This initiative is a widespread, comprehensive and popular student-led anti-crime program. The program offers a structure and process, which empowers youth to prioritise school or community problems and find solutions. It confronts an array of antisocial behavior including drug use, crime, violence, gangs, and auto theft.

Community Mobilisation: This training and technical assistance program is a two component activity consisting of organizing and mobilizing law abiding residents in high crime neighborhoods in cooperation with the police, to non-violently confront drug dealers through peaceful marches and vigils. It is the intent of this non-violent intervention to disrupt the drug dealers' activities, to solidify community opinion against them, and to force their illegal activities out of the neighborhoods.

I Care Hotline: The purpose of this program, which will be funded in FY 1993, is to provide training and technical assistance for five Weed and Seed sites implementing an I Care Hotline. In addition, each of the five sites would receive up to \$10,000 each for implementation. The sites would be required to match the Federal funding. The I Care Hotline is a prevention and intervention program for children and teenagers with 24 hour access, 365 days per year to a consultant trained to listen, assist and refer them to resources geared to meet their needs.

Youth As Resources: This is a youth-led community service program that provides small grants to young people to design and carry out projects to meet the community's needs. Based on an agreement between HUD and EOWS, HUD will provide funds to five Weed and Seed sites to implement the Youth As Resources program in public housing.

National Conference: In December, 1994, EOWS and BJA convened a national Weed and Seed conference. The purpose of the conference was to share information about effective programs being implemented by the various sites pursuant to each of the four elements of Weed and Seed for continuation, new, and officially recognized sites. The conference provided information on the types of training and technical assistance that are available; information on other Federal initiatives that are relevant to implementing a Weed and Seed strategy, such as the Empowerment Zones and DOJ's Pulling America's Communities Together (PACT) and Comprehensive Communities programs; and an opportunity for pilot demonstration sites to share their experiences with other sites.

Review and Evaluations

National Evaluations: In FY 1993, the National Institute of Justice (NIJ) initiated a process evaluation of the pilot demonstration sites. In 1994, NIJ funded a project to collect baseline data at approximately eight sites for use in an impact evaluation to be funded in FY 1995.

Local Evaluations: The application guidelines for Weed and Seed grants required each applicant to identify baselines, milestones, and performance indicators for measuring the impact of its law enforcement, prevention, early intervention/treatment, community policing, and neighborhood restoration programs. The guidelines also required new sites to dedicate a minimum of \$37,500 out of the EOWS/BJA grant funds, and/or identify other funds to support a local evaluation. The grant awards include a special condition stating that DOJ will approve the evaluation design prior to the expenditure of any evaluation funds. DOJ will develop guidance to assist sites in soliciting and reviewing evaluation proposals.

National Performance Review Laboratory: A National Performance Review (NPR) Laboratory related to comprehensive anti-crime and social service delivery strategies was initiated in FY 1993. The purpose of the NPR Lab is to develop and demonstrate an approach for enhancing the delivery of Federal support to troubled neighborhoods for preventing crime, local and private resources, and evaluating the effectiveness of community initiatives in revitalizing neighborhoods. This laboratory will assist the management and implementation of the Comprehensive Weed and Seed sites. Four funded and one unfunded - were selected for this lab. DOJ has allocated \$1,400,000 for this lab, to which the funds and efforts of other Departments will be added.

Official Recognition Process:

Official recognition provides sites adopting a Weed and Seed strategy on their own with limited technical assistance, training, and preference in applying for certain Federal funding programs. Through 1993, ten sites had received official recognition. At present, at least 31 sites are being considered for official recognition.

PROGRAM CHANGES:

	<u>1996 Base</u>			<u>1996 Estimate</u>			<u>Increases/Decreases</u>		
	Perm.	NY	AMOUNT	Perm.	NY	AMOUNT	Perm.	NY	AMOUNT
Management and Administration.....	7	7	\$833	7	7	\$789	...	...	-\$44

The requested program decrease of \$44,000 represents an absorption of 1996 mandatory cost increases. The reduction, which will be accomplished through the elimination of some reimbursable services, is not expected to significantly impair the ability of the Executive Office for Weed and Seed to effectively manage the Weed and Seed Program Fund.

Weed and Seed Program Fund

Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Management and Administration		Weed and Seed Program Fund		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Total workyears and personnel compensation.....	...	-\$20	...	...	...	-\$20
Personnel benefits.....	...	-5	...	...	...	-5
Travel and transportation of persons.....
GSA rent.....
Communications, utilities and other rent.....
Printing and reproduction.....
Other services.....	...	-19	...	...	...	-19
Supplies and materials.....
Equipment.....
Grants, subsidies and contributions.....	-\$8,456	...	-\$8,456
Total obligations.....	...	-44	...	-8,456	...	-8,500

Seed and Seed Program fund
Priority Ranking

<u>Problem</u>	<u>Base Program</u>	<u>Ranking</u>
Seed and Seed Grant Program		1
Management and Administration		2

Weed and Seed Program Fund
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996
Attorneys (805).....	2	2	2
General Administrative, Clerical (300-399).....	5	5	5
Total.....	7	7	7
Washington, D.C.....	7	7	7
U.S. Field.....	...	...	...
Foreign Field.....	...	...	...
Total.....	7	7	7

Wood and Seed Program Fund
Justification of Adjustments to Base
(Dollars in thousands)

	Amount
Mandatory Increases:	
1. One additional compensable day..... The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day. (\$2,400 for pay and \$600 for benefits).	3
2. 1996 pay raise..... This request provides for the proposed 2.2 percent locality pay raise to be effective in January of 1996 and is consistent with the Administration policy. The amount requested, \$10,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$8,000 pay and \$2,000 benefits = \$10,000).	10
3. Annualization and increase of 1995 pay raise..... This pay annualization represents first quarter amount (October through December) for anticipated 1995 pay increase of 3.3 percent (effective January of 1996, plus appropriate personnel benefits) and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$9,600 pay and \$2,400 benefits).	12
4. \$20 supplemental retirement contributions..... For FY 1995 to 1996, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$20 times the number of employees who as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$1,000 provides for this contribution.	1
5. General pricing level adjustments..... This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where inflation has already been built into the 1996 estimates. Total mandatory increases.....	19
Total, adjustments to base.....	<u>35</u>
	44

Weed and Seed Program Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
GS/GM-15, \$71,664 - \$93,166	4		4		4			
GS-9, \$20,998 - \$30,869	1		1		1			
GS-7, \$24,441 - \$31,770			1		1			
GS-6, \$21,995 - \$28,592	1							
Ungraded Positions	1		1		1			
1996 pay raise							8	
Total, appropriated positions	7	\$414	7	\$420	7	440		20
Pay above stated annual rate		2						0
Lapses	-5	-347		-26		-46		-20
Net savings due to lower pay scales for part of the year		-3		-2		-2		
Net full-time permanent	2	66	7	392	7	392		
Average GS/GM Salary		\$53,611		\$55,444		\$58,777		
Average GS/GM Grade		12.50		12.87		12.87		

Weed and Seed Program Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

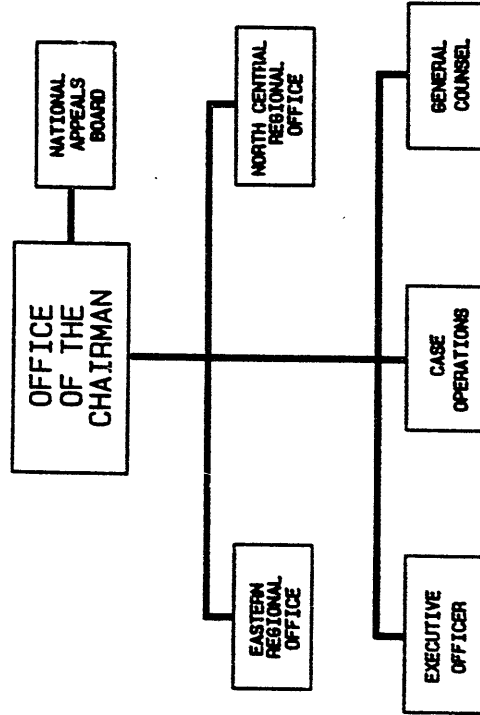
Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Permanent positions.....	...	\$66	7	\$392	7	\$392	...	\$0
11.3 Positions other than permanent.....
11.5 Other personnel compensation.....
11.8 Special personnel services payments.....
Total.....	...	66	7	392	7	392	...	0
Other objects:								
12 Personal benefits.....	...	18	...	124	...	124	...	-7
13 Benefits for former personnel.....
21 Travel and transportation of persons.....	...	59	...	38	...	38	...	4
22 Transportation of things.....	...	2	...	1	...	1	...	...
23.1 Standard level user charges.....	...	109	...	93	...	93	...	-5
23.3 Communications, utilities and other rent.....	...	30	...	42	...	42	...	3
24 Printing and reproduction.....	...	7	...	29	...	29	...	4
25 Other services.....	...	884	...	68	...	68	...	6
26 Supplies and materials.....	...	10	...	2	...	2	...	...
41 Grants, subsidies and contributions.....	...	11,661	...	13,745	...	4,663	...	-9,182
42 Insurance, claims and indemnities.....
Total obligations.....	...	12,696	7	14,534	7	5,352	...	-9,177
Unobligated balance, start-of-year.....								
Unobligated balance, end-of-year.....	...	-966	...	-1,430	...	-352	...	...
Total requirements.....	...	13,150	...	13,466	...	5,000	...	...
Relation of obligations to outlays:								
Total obligations.....	...	12,696	...	14,534	...	5,352	...	...
Obligated balance, start-of-year.....	...	67	...	-5,577	...	3,489	...	...
Obligated balance, end-of-year.....	...	-5,577	...	-9,469	...	-1,300	...	...
Outlays.....	...	7,176	...	10,612	...	7,551	...	...

Department of Justice
U.S. Parole Commission
Estimates for Fiscal Year 1998

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UNITED STATES PAROLE COMMISSION



Approved: *[Signature]* Date: *2/24/88*
 EDWARD F. REILLY
 Chairman

U.S. Parole Commission
Salaries and Expenses
Summary Statement
Fiscal Year 1996

The 1996 budget request for the United States Parole Commission is \$6,781,000, 53 permanent positions, and 78 workyears. The request includes a program decrease of 20 positions, 15 workyears and \$1,004,000 as part of the Commission's continuing phase-down of operations as well as \$335,000 in mandatory adjustments.

The 1996 budget proposes a continuation of the down-sizing reductions that have been accomplished over the past several years in anticipation of the termination of the Commission on November 1, 1997. The Commission is responsible for over 16,000 parolees and 14,716 inmates who are eligible for parole, and although these numbers are steadily declining, substantial numbers will remain under the Commission's jurisdiction for the balance of this decade and beyond the year 2000. Much of the remaining caseload is comprised of parolees and inmates with difficult and time-consuming case histories, because the elimination of parole for new law offenders has resulted in a caseload of inmates who are serving much longer sentences.

During 1994, the Commission made a total of 8,540 individual decisions regarding the grant, denial or reduction of parole. A total of 868 appeals were considered, and supervision was provided to approximately 8,000 parolees, special parolees and mandatory releases. Approximately 3,000 warrants for the arrest of alleged parole violators were issued, and the Legal staff received 753 new lawsuits and processed 1,522 FOIA requests. As part of its mandate to downsize and prepare for the termination of its operations in November 1997, the Commission initiated actions to close the South Central Regional Office (SCRO) during FY 1994. At the closing date of October 28, 1994, all former employees of the SCRO had been placed in new jobs with other Federal agencies.

It is estimated that more than 95 percent of convicted felons will return to society at the conclusion of their incarceration. Parole is a way station in the Federal corrections process that provides a period of supervision that allows former inmates to make a successful transition to living as law-abiding citizens and functioning in a responsible manner. For those that fail to make the transition, the Commission acts promptly to institute revocation when necessary in the interest of the public safety. The Commission's law enforcement mission is an important element of the Federal law enforcement effort and contributes to its need for discretion and flexibility when administering society's sanctions against those who violate its laws.

U.S. Parole Commission
Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the United States Parole Commission as authorized by law, [\$7,451,000] _____ \$6,781,000

(18 U.S.C. 4202-04, 4212, 4255, 5005, 5041; Department of Justice and Related Agencies Appropriations Act, 1995.)

Explanation of changes

No substantive changes proposed.

U.S. Parole Commission
Salaries and expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Budget Activity	1995 President's Budget Request			1/ Appropriation Action on 1995 Request			Congressional Reprogrammings			1995 as Enacted		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
U S Parole Commission	73	93	\$8,950	...	...	-\$1,500	...	...	...	73	93	\$7,450

1/ Amount includes GSA and Procurement Savings.

Congressional Action.
Congress reduced funding by \$1,500,000 in 1995. This reduction will be achieved through the closing of the Parole Commission's South Central Regional Office in Dallas, TX

(Dollars in thousands)

Other Workyears:				
Overtime.....	1	1	...	...
Total compensable workyears.....	109	106	93	78
				-15

U.S. Parole Commission
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity	1995 as Enacted			1996 Base			1996 Request			Increase/Decrease		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Parole.....	73	93	\$7,450	73	93	\$7,785	53	76	\$6,781	-20	-15	-41,004

LONG-RANGE GOAL: To make decisions on grants and denials of parole, conditions of parole, supervision of parolees and mandatory releases, recommitment in event of violation of conditions of supervision, and termination of supervision as outlined in the Parole Commission and Reorganization Act of 1976.

MAJOR OBJECTIVES: To establish, with the aid of statistical data, a national paroling policy and promote the consistent exercise of discretion in the paroling process, including the development and application of specific guidelines for decision-making so that the duration of terms of imprisonment throughout the Federal system will be equitable for those prisoners over whom the Commission has jurisdiction.

To make fair decisions regarding the grant or denial of parole, which are fair to the prisoners and which adequately protect the public welfare, within specific time requirements for decisions established by law.

To provide forceful supervision for released parolees and mandatory releases to enhance community protection and the rehabilitation of such --) seed offenders.

To promptly modify or revoke the parole or mandatory release of any individual who violates the conditions of release.

BASE PROGRAM DESCRIPTION: The United States Board of Parole was created by Congress in 1930. The Parole Commission and Reorganization Act of 1976 (Public Law 94-233, effective May 14, 1976) renamed the agency as the United States Parole Commission and placed it within the Department of Justice for administrative purposes. The Commission is an agency with independent, decision-making powers set forth by statute. The Commission has parole jurisdiction over all eligible Federal prisoners, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole (mandatory release). The Parole Commission and Reorganization Act provides for nine Commissioners, one of which is designated Chairman, who are appointed by the President with the advice and consent of the Senate. Each Regional Office of the Commission is under the supervision of a Commissioner, and three Commissioners comprise the National Appeals Board in Chevy Chase, Maryland. Currently, there are five serving Commissioners whose terms expire in November, 1997 coincident with the termination date of the Commission. National parole policy is made by formal Commission deliberation at quarterly meetings. This continual study and review is designed to monitor and refine parole practices throughout the Federal system.

On a cooperative basis, the Commission uses the services of the staff employed by both the Federal Prison System (FPS) and the Probation and Pretrial Services Division of the U.S. Courts. FPS staff, who are assigned to the correctional institutions throughout the nation, prepare

progress reports and other reports concerning parole applicants. Field supervision of released prisoners is provided by Probation Officers of the Probation Service, who, pursuant to statute, function as "parole officers" for Federal prisoners. Reports concerning the adjustment of parolees and mandatory releases are prepared by these officers and submitted to the Commission.

As part of the Comprehensive Crime Control Act of 1984 (Public Law 98-493), the United States Sentencing Commission was established to develop and issue comprehensive guidelines for Federal cases. As a result, the current Federal parole system is scheduled to be phased out. Because the Sentencing Commission was not appointed until October 1986, an extension for the sentencing guidelines was enacted. These guidelines, which were developed using guidelines that had been developed for the Parole Commission during the 1970's, went into effect on November 1, 1987. The original legislation provided for the Parole Commission to be phased out by November, 1993, but because of constitutional questions involving grants of parole for thousands of "old law" prisoners who would still be incarcerated at the termination date, the Judicial Improvements Act of 1990 (P.L. 101-560) extended the life of the Commission to November 1, 1997.

Hearing Examiners working out of the Regional Offices conduct personal parole hearings with prisoners eligible for parole and make recommendations to the Commissioners. These hearings are conducted by examiner panels at all Federal prisons on a bi-monthly schedule. Examiners also conduct revocation hearings at State and local facilities, as required. Summaries of the hearings are recorded, then transcribed and sent to the Regional Office for the initial review and decision of a Commissioner.

The Bureau of Prisons has continued to open new correctional facilities to accommodate the dramatically growing number of prisoners, and as new facilities have been opened, the Commission and BOP have agreed to concentrate parole-eligible inmates in fewer facilities in order to minimize the number of locations requiring hearing dockets. As of August 28, 1994, there were 79,650 sentenced prisoners in BOP facilities, of which 14,716 (18.5%) are parole-eligible.

When an individual is released on parole, numerous conditions of release are imposed, and the violation of any of these conditions could result in revocation of parole. The Commission has instituted a "zero tolerance policy" of illegal drug use by parolees. Any instance of illegal drug use by any parolee must be reported by the probation officer to the Commission. After the facts surrounding the violation are reviewed, a sanction or intervention is prescribed to correct or remedy the problem.

Warrants issued by the Commission to initiate the revocation of an inmate's parole, and the resulting revocation hearings, have remained at relatively constant levels over the past several years. Timely processing of warrants and revocation hearings are essential to the general safety of the public and in maintaining public confidence in the parole process. Revocation cases make a disproportionate demand on examiner and staff time because of their adversarial nature and because a majority of parolees in these cases are represented by counsel.

Initial hearings are due within 120 days of a newly-sentenced inmate's arrival in prison. Statutory interim hearings are due at 18 or 24 month intervals, pursuant to U.S.C. 4208(h) depending on their sentence length. Institutional revocation hearings are an important determinant of the bi-monthly docket schedule. An alleged parole violator who is returned to an institution must be given a revocation hearing within the 90-day statutory deadline. Statutory deadlines effectively impose a bi-monthly docket schedule. Local revocation hearings are required to take place within 60 days of arrest at or near the location where the infraction or arrest occurred. Witnesses are present and produce what are the most work intensive hearings.

In 1974, the U.S. Board of Parole developed and implemented the first guidelines to be used anywhere to structure incarceration and release decision-making. All parole and sentencing guidelines developed in the United States are, to a greater or lesser extent, an outgrowth of federal parole guidelines. The new Federal sentencing guidelines are very similar to the parole guidelines which were used as a model in their development. The guidelines and the independence of the Federal parole system were affirmed and strengthened by Congress when it passed the Parole Commission and Reorganization Act of 1976. The act enhanced due process, provided the right for inmates to have a representative at their hearing and required that the reasons for denial be stated in writing. The Parole guidelines are built around a two-dimensional matrix that considers offense severity on one axis and offender prognosis (risk) on the other. For each combination of offense severity and risk, the guidelines indicate a range of time to be served. The Commission may release outside the guideline range if it determines there is good cause for doing so. Inmates are furnished a written notice stating the reason(s) for its determination and a summary of the information relied upon. The guidelines have played a significant role over the past two decades in reducing sentencing disparity.

Prisoners who are dissatisfied with the decision rendered after their hearing may file an appeal with the Commission's National Appeals Board (NAB). The NAB can affirm, modify or reverse the decision under provisions set forth in 28 CFR 2.26. The NAB must complete the action within 60 days of receipt of the appeal.

The Office of the Chairman provides overall management of the Commission's activities and functional supervision of the Regional Hearing Examiners and Analysts. This office also provides quality control of case decisions, coordinates the training program and is responsible for publication of the Parole Commission's Rules and Procedures manual (28 CFR 2.1 - 2.67).

The Legal Section, headed by the General Counsel, advises the Commissioners and staff on interpretation of the agency's enabling statutes and policy, drafts implementing rules and regulations and assists U.S. Attorney's Offices in defending the Commission against lawsuits brought by prisoners and parolees. The office is also a resource for staff on problems involving the processing of requests for information under the Privacy Act of 1974, as amended in 1976. The Office responds directly to requests submitted under the Freedom of Information Act. Finally, the Office has the responsibility for analyzing applications for exemption from prohibitions imposed by Federal law against persons who have been convicted of certain crimes from occupying labor union, management or pension fund positions, and ensuring that the hearings under the Administrative Procedures Act are properly conducted. The Commission's legal staff also participates with the State Department and other units of the Department of Justice on various phases of the development of treaties and implementing legislation for the exchange of prisoners with other countries.

An Administrative Office headed by the Executive Officer provides administrative support in the areas of personnel, budget and finance, procurement, and property and space management.

ACCOMPLISHMENTS AND WORKLOAD:

1. A total of 6,737 individual decisions regarding the grant, denial or reduction of parole, as required by law were made during 1994.
2. A total 1,204 National Appeals Board considerations were made during 1994, as required by statute.
3. - Supervision was provided to approximately 16,000 parolees, special parolees and mandatory releases during 1994.

ACCOMPLISHMENTS AND WORKLOAD, continued:

4. Conducted hearings in 174 cases with foreign court convictions (Treaty cases).
5. Successfully placed all employees of the South Central Regional Office in jobs within the Department and other Federal agencies.
6. Processed 1,180 letters of reprimand, 2,968 warrants, 2,969 parole certificates, and 1,191 supplements.
7. The Legal staff received 753 new lawsuits and processed 1,522 FOIA requests.

The hearing, record review and appeals workload of the Parole Commission is presented in the following table:

U. S. P A R O L E C O M M I S S I O N

HEARINGS AND APPEALS	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Hearings:				
a. Initial	1,638	1,059	860	527
b. Record Review *	9,484	6,723	5,556	4,435
c. Rescission	317	277	295	217
d. Local Revocation	720	542	535	460
e. Inst'l Revocation **	2,439	1,694	1,540	1,438
f. Other ***	167	92	450	450
g. Statutory Review	1,477	1,245	801	533
Total	16,242	11,632	10,037	8,060
Appeal Decisions:				
a. National	1,892	1,204	1,095	895
b. Admin. Review	2,200	1,850	1,250	950
c. Orig. Jurisdiction Decisions & Appeals.....	125	98	93	85
Total	4,244	3,152	2,438	1,930

* Includes pre-Hearing Reviews. Home confinement reopenings are included in projections for 1995 and 1996.

** Includes Dispositional Revocation Hearings.

*** Includes Transfer Treaty Cases.

**** Includes D.C. Case Reviews for Concurring Signatures.

PROGRAM CHANGES:

	1996 Base			1996 Request			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
	Pos.			Pos.			Pos.		
Parole	73	93	\$7,785	93	78	\$6,781	-20	-15	-\$1,004

A program decrease of 20 positions, 15 workyears and \$1,004,000 is requested to continue the downsizing required to phase out the current Commission by November 1, 1997. These reductions will be achieved through consolidation of offices and reorganization of functions. The Commission will focus on fully utilizing attrition and early-out programs, increasing managerial efficiency, and enhancing program effectiveness.

U.S. Parole Commission
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Phase-out of Parole Commission	
	Pos	Amount
Grades		
GS-15	-1	-86
GS-14	-6	-439
GS-13	-3	-186
GS-11	-1	-43
GS-9	-1	-36
GS-7	-6	-176
GS-6	-2	-48
Total positions and annual rate	-20	-1,014
Lapse (-)	5	240
Total workyears and personnel compensation	-15	-774
Personnel benefits		-164
Benefits for former personnel		...
Travel and transportation of persons		...
Transportation of things		-4
GSA rent		-29
Communications, utilities and miscellaneous charges		-22
Printing		-1
Other services		-8
Supplies		-1
Equipment		-1
Total	-15	-1,004

U.S. Parole Commission
Salaries and Expenses
Detail of Permanent Positions by Category

Fiscal Years 1994 - 1996

Category	1994 Auth	1995		1996	
		Perm Pos and Workyear Reduction	Enacted	Program Changes	Total
Attorneys (905)	5		5	...	5
Other Legal and Kindred (900-998)	1		1	...	1
Social Sciences, Economics and Kindred (100-199)	36	-3	33	-11	22
General Administrative, Clerical and Office Services (300-399)	35	-2	33	-9	24
Accounting and Budget (500-599)	1		1	...	1
Total	78	-5	73	-20	53
Washington	46		46	-5	41
U.S. Field	32	-5	27	-15	12
Total	78	-5	73	-20	53

U.S. Parole Commission
Salaries and Expenses
Summary of Change
(Dollars in thousands)

Adjustments to base	Per	WT	Amount
1995 as enacted	73	93	\$7,450
Mandatory Increases			
One additional compensable day	...	...	19
1995 pay raise	...	...	94
Annualization and increase of 1995 pay raise	...	...	141
Within-grade increases	...	...	60
Health benefits	...	...	6
\$80 supplemental retirement contributions	...	...	7
Postal rates increase	...	...	11
General pricing level adjustments	...	...	15
Total, Mandatory Increases	...	...	353
Decreases			
Federal Employees Retirement System	...	...	-17
Procurement Savings	...	...	-1
Total, Mandatory Increases	...	...	-18
1996 Base	73	93	7,785
Program Changes			
Down-sizing Reduction	-20	-15	-1,004
1996 Estimate	53	78	6,781

U.S. Parole Commission
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	NY	Amount
<u>Mandatory Increases:</u>		
1. One additional compensable day..... The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 compensable days. This request includes appropriate personnel benefits as well as pay for the additional day (\$15,200 for pay and \$1,800 for benefits).	...	\$ 19
2. 1996 pay raise..... This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$94,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$75,200 pay and \$18,800 benefits).	...	94
3. Annualization and increase of 1995 pay raise..... This pay amount includes the 1995 pay raise (effective October through December) of the anticipated 1995 pay amount. The amount requested, \$141,000, represents the pay amounts for the three-quarters of the year (\$119,000 for pay and \$22,000 for benefits).	...	141
4. Within-grade increases..... This request provides for the expected increase in costs of within-grade increases. This increase is based on an assumed 6 percent increase in the Department's personnel costs, which includes numerous factors such as anticipated pay raises, adjustments, and other factors. The request includes \$44,000 for pay and \$16,000 for benefits.	...	60
5. Health benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$4,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	...	6
6. \$60 supplemental retirement contributions..... For FY 1995 to 1996, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 60 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$7,000 provides for this contribution.	...	7

	BY	Amount
7. Postal rate increase. The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 cents to 32 cents per stamp. An increase of \$11,000 is requested in 1996 to cover this rate adjustment.	...	11
8. General pricing level adjustments. This request applies DAB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	15
Total Mandatory Increases.....	---	353
Decreases		
1. Federal Employees Retirement System (FERS). Effective October 2, 1994, there was an overall reduction in the amount of the required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease for the Parole Commission is \$17,000.	---	-17
2. Procurement Savings. This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$1,000.	---	-1
Total Decreases.....	---	-18
Total Adjustments-to-Base.....	---	335

U.S. Parole Commission

Salaries and expenses

Summary of Requirements by Grade and Object Class

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
(Dollars in thousands)								
Grades and salary ranges								
Executive Level IV, \$115,700	1		1		1			
Executive Level V, \$108,200	8		8		8			
GS/GM-15, \$66,610 - \$86,592	8		6		5		-1	
GS/GM-14, \$56,627 - \$73,614	18		16		10		-6	
GS/GM-13, \$47,920 - \$62,293	4		4		1		-3	
GS-12, \$40,299 - \$52,385	6		6		6			
GS-11, \$33,623 - \$43,712	3		3		2		-1	
GS-10, \$30,603 - \$39,787	2		1		1			
GS-9, \$27,790 - \$36,124	4		4		3		-1	
GS-8, \$25,160 - \$32,710	2		2		2			
GS-7, \$22,717 - \$29,540	12		12		6		-6	
GS-6, \$20,442 - \$26,574	6		6		4		-2	
GS-5, \$18,340 - \$23,847	3		3		3			
GS-4, \$16,393 - \$21,311	1		1		1			
1996 Pay Raise								
Total, appropriated positions	78	\$4,349	73	\$3,959	53	\$2,946	-20	-1,013
Pay above stated annual rate		18		18		15		-3
Lapses	-2	-212	-4	-217	7	399	11	616
Net savings due to lower pay scales		-33		-54		-25		-29
Net full-time permanent	76	4,122	69	3,706	60	3,335	-9	-371
Other than permanent								
Part-time permanent	2	117	1	60	1	57		-3
Temporary employment	27	729	23	624	17	513	-6	-111
Other personnel compensation								
Overtime	1	7		4		23		19
Other compensation		93		72		36		-36
Special personal services payments		13		12		13		1
Total, workyears and personnel compensation	106	\$5,081	93	\$4,478	78	\$3,977	-15	-\$501
Average Executive Salary		\$109,033		\$109,033		\$109,033		
Average GS/GM Salary		\$48,184		\$46,521		\$46,471		
Average GS/GM Grade		10.72		10.50		10.45		

U.S. Parole Commission
Salaries and expenses

Summary of Requirements by Grade and Object Class

(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease					
	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount	Pos.	W.Y. Amount				
Personnel Compensation:												
11.1 Permanent positions	78	76	\$4,122	73	69	\$3,706	53	60	\$3,335	-20	-9	-\$371
11.3 Positions other than perm		29	846		24	684		18	570		-6	-114
11.5 Other personnel comp		1	100			76		...	59		...	-17
11.8 Special pers services pay		13				12		...	13		...	1
Total	78	106	5,081	73	93	4,478	53	78	3,977	-20	-15	-501
Other objects												
12.1 Personnel benefits			1,007			806			716			-90
13.0 Benefits for former pers		29				90			90			...
21.0 Travel and transport of pers			573			465			465			...
22.0 Transportation of things			63			82			78			-4
23.1 GSA rent			739			622			593			-29
23.3 Communications, utilities and other rent			276			343			340			-3
24.0 Printing and reproduction		12				31			30			-1
25.0 Other services			372			422			392			-30
26.0 Supplies and materials						89			83			-6
31.0 Equipment			42			22			17			-5
Total obligations			8,343			7,450			6,780			-669
Unobligated balance lapsing			780									
Total requirements			9,123			7,450			6,780			-669
Relation of obligations to outlays												
Total obligations			8,343			7,450			6,780			
Obligated balance, start-of-year			1,725			1,984			1,351			
Adjustments in Expired Accounts			-2			...			...
Obligated balance, end-of-year			-1,984			-1,351			-984			
Outlays			8,082			8,083			7,147			

Legal Activities
 Salaries and expense, General Legal Activities
 Summary Statement
 Fiscal Year 1996

For 1996, the General Legal Activities (GLA) appropriation seeks a total budget of 3,465 positions, 3,842 workyears (including 318 reimbursable workyears) and \$434,853,000. This resource level represents an overall decrease of 59 positions and 21 workyears below 1995 staffing levels; the requested funding level is \$18,019,000 above the 1995 availability. Adjustments to base include a transfer of 4 positions, 5 workyears and \$365,000 from the Executive Office for Asset Forfeiture to the Criminal Division; mandatory increases of 1 position, 36 workyears and \$21,914,000; and base decreases of 59 positions, 59 workyears and \$4,655,000 (including reductions of 59 positions, 59 workyears and \$2,266,000 for streamlining). The program changes requested for 1996 include a net staffing decrease of 5 positions and 6 workyears and a net funding increase of \$395,000. The 1996 program changes are individually discussed below.

Absorption of the 1996 Pay Raise. In order to absorb the anticipated pay increase for 1996, the Department is requesting a total program decrease of 8 positions, 8 workyears and \$3,788,000 for the GLA appropriation. The requested reduction will be spread across the GLA components as follows: the Office of the Solicitor General - \$77,000; Tax Division - \$721,000; Criminal Division - 8 positions, 8 workyears and \$1,004,000; Civil Division - \$1,295,000; Environment Division - \$573,000; the Office of Legal Counsel - \$57,000; and Interpol - \$61,000.

Enhanced Litigation. Additional funding of \$4,000,000 is sought to allow the Civil Division's Commercial Litigation Branch to enhance essential litigation resources.

Strengthening Alien Detention and Removal. The Civil Division seeks additional resources to fund its share of an Administration initiative to expedite the removal of deportable aliens. As the Immigration and Naturalization Service intensifies its efforts to identify and deport illegal aliens, and the Executive Office for Immigration Reform expands its capacity to conduct administrative hearings, the Civil Division will be confronted with additional demands for litigation resources.

Note: The Civil Division also seeks an increase of \$1,528,000 in reimbursable authority from the Vaccine Injury Compensation Trust Fund to permit total 1996 reimbursements of \$4,028,000. This increase will bring Vaccine Fund reimbursements in line with the Civil Division's actual costs associated with implementing the Vaccine program.

Legal Activities
Salaries and expenses, General Legal Activities
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored in bold and deleted matter is [enclosed in brackets].

Salaries and expenses, General Legal Activities

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; (\$417,202,000) ~~\$424,852,000~~; of which not to exceed \$10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed [\$50,099,000] ~~\$22,616,000~~ shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States, and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year [1995: Provided further, That of the offsetting collections credited to this account, \$99,000 are permanently cancelled] ~~1996~~.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed [\$2,000,000] [\$2,500,000] ~~\$4,028,000~~ to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101-[509] ~~502~~ (104 Stat. 1289). (19 U.S.C. 1619; 21 U.S.C. 886; 28 U.S.C. 501, 505-506, 510-520, 524-526; 48 U.S.C. 1424, 1617, 1694; 50 U.S.C. App. 6; Department of Justice and Related Agencies Appropriations Act, [1994] ~~1995~~.)

Explanation of changes:

The first change deletes language needed on a one-time basis in 1995 to effect the GSA rent reduction. The second change increases funds from the Vaccine Injury Compensation Trust Fund to the level of anticipated actual use in 1996. The third change corrects an erroneous citation referenced in 1995.

LEGAL ACTIVITIES

Salaries and expenses, General Legal Activities

Crosswalk of 1995 Changes

(Dollars in thousands)

Budget Activity/Program	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Adjustment in Positions and Workyears		Procurement Reform		Reprogrammings		1995 Availability	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
1 Conduct of Supreme Court proceedings and review of appellate matters.....	48	54	(1)	(3)	0	(1)	(56)	0	0	0	47	50
2 General tax matters.....	660	625	0	0	0	(6)	(21)	0	0	0	660	619
3 Criminal matters.....	717	734	20	20	0	0	(22)	0	0	0	737	754
4 Claims, customs and general civil matters.....	970	995	0	0	(12)	(12)	(206)	0	0	0	958	983
5 Land, natural resources and Indian matters.....	497	482	(40)	(16)	0	0	(90)	0	0	0	457	464
6 Legal opinions.....	37	41	0	0	0	0	0	0	0	0	37	41
7 Civil rights matters.....	626	610	(61)	(33)	0	(5)	(22)	0	0	0	565	572
8 INTERPOL - U.S. National Central Bureau.....	83	65	0	0	0	0	(1)	0	0	0	83	65
9 Legal activities office automation.....	0	0	0	0	0	0	0	0	0	0	0	0
Total.....	3,616	3,608	(82)	(34)	(12)	(24)	(368)	0	0	0	3,534	3,548
Reimbursable FTE.....	303				12						315	
Grand total FTE.....	3,909				(12)						3,863	

Congressional Appropriation Actions

The final Congressional mark - up for the General Legal Activities restored the Criminal Division's requested program decrease of 20 positions, 20 workyears and \$2,206,000. The Congress also provided partial funding for the requested program increase in the Environment and Civil Rights Divisions and in the Office of Legal Counsel. All other program increase requests were denied.

Adjustment in Permanent Positions and Workyears

This adjustment reflects the Civil Division's reallocation of staffing resources from direct appropriation to reimbursable for the Radiation Exposure activity. Also reflected are staffing adjustments made to absorb a cut in the 1995 pay raise funding levels for the Office of the Solicitor General and the Tax and Civil Rights Divisions.

Procurement Reform

These reductions are consistent with the Administration's initiative to streamline the Government's procurement process.

Reprogrammings

The transaction reflects a reallocation of funding to offset anticipated GSA Rent funding shortfalls in the Criminal Division and in Interpol. The transaction has been approved by OMB and the Congress.

89-331 95 - 7

	Perm.	Vol.	NYT	Amounts
	Fsg.			
1995 as Enacted	3,804	3,960	\$417,202	
Procurement Reform	0	0	(969)	
Absorption of 1993 Pay Rates	0	0	0	
1995 Availability	3,804	3,960	\$416,234	
Adjustments to Base:				
Transfer from the Executive Office for Asset Forfeiture	4	6	365	
Streamlining	(69)	(69)	(2,269)	
Mandatory Increases	1	36	21,914	
Decreases	0	0	(2,992)	
Net Adjustments to Base	(64)	(16)	17,254	
1995 Base	3,470	3,930	\$434,489	

	1994 Erected		1994 Actual		1995 Availability		1994 Base		1995 Estimate		Increase/Decrease	
	Perm.	WY. Amount	Perm.	WY. Amount	Perm.	WY. Amount	Perm.	WY. Amount	Perm.	WY. Amount	Perm.	WY. Amount
Estimates by Program												
1. Conduct of Bureau, Court proceedings and review of appellate matters.....	48	52	55,828	48	52	55,745	47	50	55,745	48	52	58,185
2. General law matters.....	580	680	59,483	589	652	58,982	680	619	59,428	649	614	60,553
3. Criminal matters.....	745	782	77,944	745	738	77,221	737	754	78,343	702	720	80,428
4. Claims, customs and general civil matters.....	979	1,008	118,327	979	981	119,467	958	983	119,545	955	986	127,920
5. Land, natural resources and Indian matters.....	419	446	53,364	419	445	53,070	457	444	56,070	449	476	61,117
6. Legal opinions.....	37	42	3,821	37	36	3,881	37	41	4,144	37	41	4,087
7. Child rights matters 1/.....	543	556	59,856	543	558	59,951	565	572	62,602	557	559	65,304
8. INTERPOL - U.S. National Central Bureau.....	64	68	6,406	64	65	6,324	63	65	6,554	62	64	6,641
9. Legal services office automation.....	0	0	22,315	0	0	22,402	0	0	22,809	0	0	22,618
Total.....	3,524	3,562	407,234	3,524	3,517	406,226	3,524	3,548	416,524	3,465	3,524	434,853
Reimbursable Workyears.....	288		208		315		315		315			318
Unreimbursable Workyears.....	3,236		3,309		3,233		3,233		3,233			3,264
Total Consumable Workyears.....	3,524		408		630		630		630			638

1/ For comparability, 1994 resources for the Office of Special Counsel are merged with the Civil Rights Division. The merger of these two components was approved for 1995.

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WY. Amount
1995 Enacted.....	3,524	\$590 \$417,202
Procurement Reform.....	0	0 -366
Absorption of 1995 pay raise.....	0	0 -12
1995 Availability.....	3,524	3,548 416,834
Base adjustments:		
Streamlining.....	-59	-59 -2,269
Transfer from the Executive Office for Asset Forfeiture.....	4	5 365
Total base adjustments.....	-55	-54 -1,901
Mandatory increases:		
One additional compensable day.....	0	0 1,119
Restoration of one attorney position.....	1	1 80
Unfunded positions and workyears.....	0	0 150
1995 Pay raise.....	0	12 4,555
Annualization of 1995 pay raise.....	0	0 5,048
Within-grade increases.....	0	0 2,114
Annualization of 1995 positions.....	0	23 2,000
Health benefits.....	0	0 337
\$80 buyout to OPH.....	0	0 299
Unemployment compensation.....	0	0 189
Accident compensation.....	0	0 52
GSA Rent.....	0	0 4,824
Relocation to the Bond Building.....	0	0 806
Increase in postal rates.....	0	0 86
EAGLE maintenance.....	0	0 116
Distributed administrative support.....	0	0 15
General pricing level adjustment.....	0	0 147
Total, mandatory increases.....	1	36 21,814
Non-policy decreases:		
Procurement reform.....	0	0 -356
FTS 2000 savings.....	0	0 -337
Federal Employee Retirement System savings.....	0	0 -1,698
Total, non-policy decreases.....	0	0 -2,391
Net Adjustments to base.....	-54	-18 17,624
1996 Base.....	3,470	3,530 434,468
Program Changes.....	-5	-8 395
1996 Estimate.....	3,465	3,524 434,863

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Justification of Multi-Activity Program Changes
(Dollars in thousands)

<u>Budget Activity/Program</u>	<u>1996 Pay Raise Absorption</u>	
	<u>Pos.</u>	<u>WY Amount</u>
1. Office of the Solicitor General.....	0	0 (\$77)
2. Tax Division.....	0	0 (721)
3. Criminal Division.....	(8)	(8) (1,004)
4. Civil Division.....	0	0 (1,295)
5. Environment Division.....	0	0 (573)
6. Office of Legal Counsel.....	0	0 (57)
7. Civil rights matters.....	0	0 0
8. INTERPOL - USNCB.....	0	0 (61)
9. Legal Activities Office Automation.....	0	0 0
Total.....	(8)	(8) (3,788)

LEGAL ACTIVITIES
Salaries and Expenses, General Legal Activities
Summary of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996 Estimate	
			Net Change	Total
Attorneys (905).....	1,924	1,919	(21)	1,898
Paralegal Specialists (950).....	302	301	(4)	297
Other Legal and Kindred (900 - 998).....	74	71	(2)	69
Social Sciences, Economics (100 - 199).....	32	32	0	32
General Administrative, Clerical (300 - 399).....	1,135	1,127	(29)	1,098
Accounting and Budget (500 - 599).....	39	41	(3)	38
Business and Industry (1100 - 1199).....	2	2	0	2
Information and Arts (1000 - 1099).....	8	8	0	8
Mathematics and Statistics.....	2	2	0	2
General Investigating (1801 - 1810).....	5	5	0	5
Other.....	19	16	0	16
Total.....	3,542	3,524	(59)	3,465
Washington, D.C.....	3,409	3,398	(45)	3,341
U.S. Field.....	130	135	(14)	121
Foreign Field.....	3	3	0	3
Total.....	3,542	3,524	(59)	3,465

LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

	Solicitor Gen.		Tax Division		Criminal Div.		Civil Division		Env. & Nat. Res. Div.	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades and salary ranges										
GS/GM-15.....	-5	-\$382	...	...	...	...
GS/GM-14.....	2	\$106	...	...
GS/GM-13.....
GS-12.....	-1	-35	...	...	...	...
GS-11.....	-1	-32	...	...	...	...
GS-9.....	1	27	...	...
GS-8.....	-1	-25	...	...	...	...
GS-7.....
GS-6.....
GS-5.....
GS-2.....
Total, approp. positions.....	0	0	0	0	-8	-474	3	133	0	0
Lapses.....	-1	-68	...	...
Other personnel compensation.....	...	-\$30	...	-\$134	...	...	...	-1,036	...	...
Total, work-years and pers. compensation.....	...	-30	...	-134	-8	-474	2	-969	...	...
Personnel benefits.....	...	-6	...	-16	...	-133	...	21	...	...
Travel and transportation of persons.....	-395	...	-117	...	10	...	...
Transportation of things.....	-8	...	1	...	...
GSA rent.....	-72	...	10	...	...
Communications, utilities, and other rent.....	-1	...	-20	...	2	...	...
Printing and reproduction.....	...	-21	...	...	...	-11	...	2	...	...
Other services.....	-110	...	-70	...	3,968	...	-\$573
Supplies and materials.....	...	-20	...	-20	...	-11	...	1	...	...
Equipment.....	-45	...	-88	...	-158	...	...
Total obligations.....	0	-77	0	-721	-8	-1,004	2	2,888	0	-573

LEGAL ACTIVITIES
 Salaries and expenses, General Legal Activities
 Financial Analysis — Program Changes
 (Dollars in thousands)

	Legal Counsel		Civil Rights Division		INTERPOL-USNCB		LA Off. Automation		Total GLA	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades and salary ranges										
GS/GM-15	-5	-\$382
GS/GM-14	0	0
GS/GM-13	2	106
GS-12	0	0
GS-11	-1	-35
GS-9	-1	-32
GS-8	1	27
GS-7	-1	-25
GS-6	0	0
GS-5	0	0
GS-2	0	0
Total, approp. positions	0	0	0	0	0	0	0	0	-5	-341
Lapses	-1	-66
Other personnel compensation	0	-1,200
Total, workyears and pers. compensation	-6	-1,607
Personnel benefits	0	-134
Travel and transportation of persons	0	-502
Transportation of things	0	-7
GSA rent	..	-\$4	..	..	..	..	..	..	0	-66
Communications, utilities, and other rent	0	-19
Printing and reproduction	..	-3	..	..	..	..	..	..	0	-33
Other services	..	-20	..	..	..	..	..	..	0	3,195
Supplies and materials	..	-10	..	..	..	..	..	..	0	-60
Equipment	..	-20	..	..	..	-\$61	..	..	0	-372
Total obligations	0	-57	0	0	0	-61	0	0	-6	395

Legal Activities
Salaries and expense, General Legal Activities
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Base Adjustments:			
1. Transfer from the Executive Office for Asset Forfeiture..... This transfer is necessary to fund the proposed merger of the Executive Office with the Criminal Division.	4	5	\$365
2. Streamlining..... This decrease is consistent with the Administration's initiative to reduce the size of the Federal workforce.	(59)	(59)	(2,266)
Net Base Adjustments.....	(55)	(54)	(1,901)
Mandatory increases:			
1. One additional compensable day..... The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day.	...	...	1,119

195

2. Restoration of one attorney position..... The Office of the Solicitor General requires a restoration of the 1995 FTE cut which resulted in the elimination of 1 attorney position. This mandatory increase will bring OSG back to its base level of attorney positions. A reduced attorney level would result in the reduction of important discretionary workload of the office such as pursuing adverse decisions from the lower courts and amicus filings.	1	1	89
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	Perm. Pos.	Work- years	Amount
3. <u>Unfunded positions and workyears</u> The Office of the Solicitor General requires funding for authorized positions and workyears. OSG is continually forced to offset unfunded mandatory increases with personnel lapse money. These resources are required to allow OSG to operate at staffing levels needed to successfully perform the mission of the office.	150
4. <u>1996 pay raise</u> This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits.	...	12	4,555
5. <u>Annualization of 1995 pay raise</u> This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year.	5,046
6. <u>Within-grade increases</u> This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization.	2,114
7. <u>Annualization of 1995 increases</u> This provides for the annualization 48 additional positions approved in the 1995 Appropriations Act for the Environment Division.	...	23	2,000

	Perm. Pos.	Work- years	Amount
8. <u>Health benefits</u> The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	357
9. <u>\$80 buyout to OPM</u> For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of provides for this contribution.	269
10. <u>Accident compensation</u> This increase reflects the billing provided by the Department of Labor for the actual costs in 1994 of employees' accident compensation.	169
11. <u>Unemployment compensation</u> This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$52,000 is required to meet our commitment to DOL.	52
12. <u>GSA rent</u> GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.	4,824

	Perm. Pos.	Work- years	Amount
13. Relocation to the Bond building..... This increase is requested to fund certain one-time relocation and build-out costs incurred by the Criminal Division. The move is necessitated by lease expirations in other GSA owned buildings.	806
14. Increase in postal rates..... The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$86,000 is requested in 1996 to cover this rate adjustment.	86
15. EAGLE maintenance..... Initial installation of workstations and other equipment in 1994 was done on a 36-month lease-to-ownership-plan. Maintenance of installed equipment and annualized contract administration and overhead costs as required by the EAGLE contract are needed for 1996. An increase of \$116,000 is required for 1996.	116
16. Distributed administrative support..... Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. DOS advises that a 10-percent increase in foreign operations costs is anticipated.	15
17. General Pricing Level Adjustment..... This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	147
Total mandatory increases.....	1	36	21,914

		Perm. Pos.	Work- Years	Amount
Decreases:				
1.	<u>Procurement reform</u> This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system.	...	...	(356)
2.	<u>FIS 2000 savings</u> This decrease reflects FIS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions.	...	...	(337)
3.	<u>Federal Employees Retirement savings</u> Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4.	...	...	(1,696)
Total decreases.....				<u>(2,389)</u>
Net adjustments to base.....				<u>(18)</u>
				<u>17,624</u>

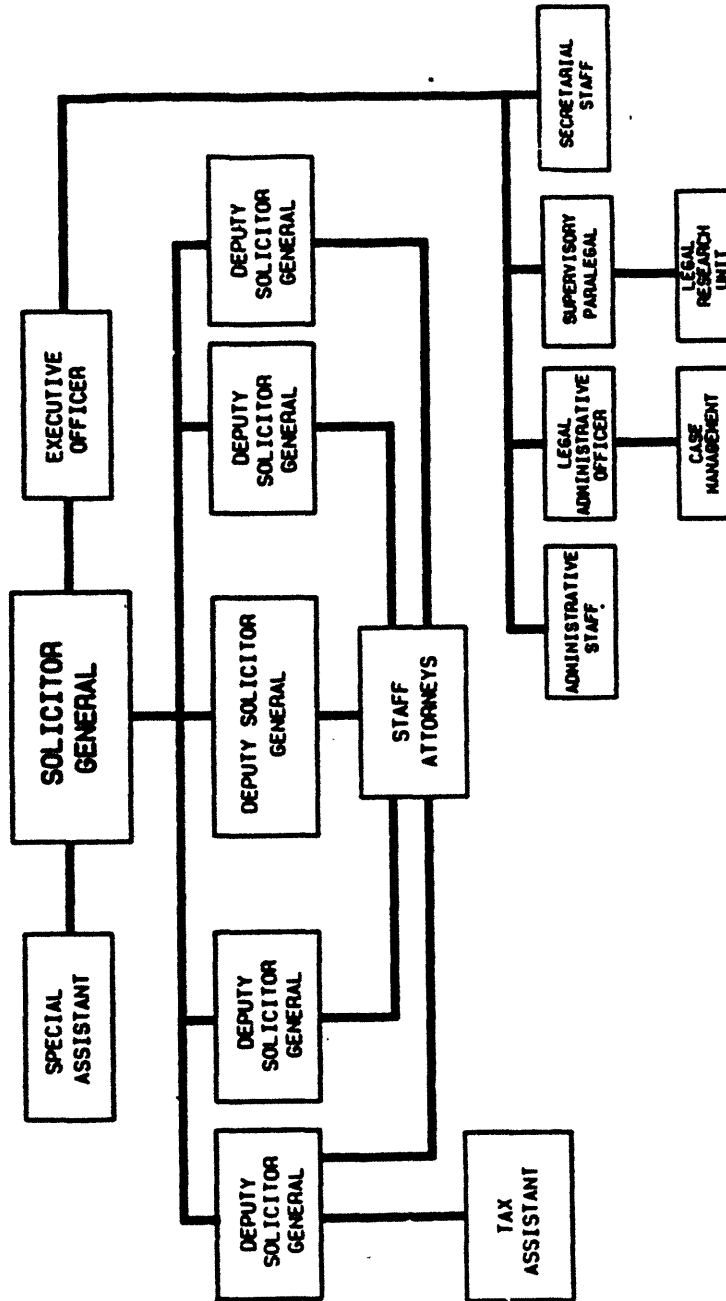
LEGAL ACTIVITIES
Salaries and expenses, General Legal Activities
Summary of Requirements by Grade and Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1995 Request		Inc./Decr	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
Executive Level III								
ES-6	1	7	1	7	1	7	0	0
ES-5	7	7	7	7	7	7	0	0
ES-4	1	1	1	1	1	1	0	0
ES-3	74	74	66	66	66	66	(1)	(1)
ES-2	15	15	15	15	15	15	0	0
ES-1	15	15	15	15	15	15	1	1
GS-15	1,025	1,025	1,109	1,109	1,095	1,095	(24)	(24)
GS-14	430	430	415	415	415	415	(15)	(15)
GS-13	331	331	302	302	298	298	(4)	(4)
GS-12	247	247	234	234	231	231	(3)	(3)
GS-11	253	253	246	246	243	243	(3)	(3)
GS-10	10	10	21	21	22	22	1	1
GS-9	245	245	213	213	210	210	(3)	(3)
GS-8	185	185	185	185	164	164	(21)	(21)
GS-7	404	404	404	404	401	401	(3)	(3)
GS-6	121	121	119	119	109	109	(10)	(10)
GS-5	83	83	75	75	75	75	0	0
GS-4	51	51	48	48	47	47	(1)	(1)
GS-3	23	23	19	19	19	19	0	0
GS-2	13	13	10	10	10	10	0	0
GS-1	0	0	0	0	0	0	0	0
Locality pay	0	0	0	0	0	0	0	0
1995 Pay Increase	0	0	0	0	0	0	0	0
Total, appropriated positions	3,548	185,700	3,534	202,968	3,465	208,810	(69)	8,824
Pay above stated annual rate	0	345	0	79	0	575	0	484
Lapses	(254)	(19,823)	(177)	(9,834)	(141)	(7,383)	36	1,352
Net savings	0	(1,749)	0	(1,033)	0	(729)	0	304
Net full-time permanent	3,292	183,485	3,357	193,368	3,324	201,272	(23)	7,874
Other than permanent								
Part-time permanent	36	2,443	34	2,522	34	2,574	0	52
Temporary employment	92	2,828	87	2,921	86	3,023	(1)	102
Other part-time and intermittent employment	90	2,562	75	2,477	75	2,500	0	23
Other personnel compensation								
Overtime	19	836	26	747	26	741	0	(6)
Other compensation	1	2,517	0	2,033	0	1,705	0	(237)
Special personal services payments	0	3,279	0	3,436	0	2,858	0	(379)
Total, workyears and personnel compensation	3,533	199,002	3,569	207,534	3,545	214,874	(24)	7,140

Legal Activities
Schedule and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
(Column in Parenthesis)

Object Class	1984 Actual Workyears	Amount	1985 Estimate Workyears	Amount	1986 Request Workyears	Amount	Inst/Dir Workyears	Amount
Personal expenses:								
11.1 Personnel positions	5,322	155,445	5,347	155,355	5,324	251,272	525	7,224
11.2 Positions other than personnel	221	7,255	155	7,255	155	5,257	(1)	177
11.3 Other personnel compensation	55	5,255	55	5,255	55	5,257	0	(255)
11.3 Special personnel services payments	0	5,277	0	5,411	0	5,755	0	(545)
Sub-total, personal expenses	5,598	168,022	5,557	257,334	5,534	214,574	524	7,140
Reimbursable workyears:								
Pub--line personnel	(255)		(255)		(255)		(25)	
Non-personal expenses:								
12 Personnel benefits	42,555			44,515		47,225		2,710
21 Benefits for former personnel	1,112			255		257		114
22 Travel and transportation of persons	15,225			15,277		15,457		(114)
23 Transportation of things	1,515			1,515		1,515		0
24 Standard fixed asset charges	45,515			44,515		45,514		4,425
25.1 Rental payments to others	227			254		225		55
25.2 Communications, utilities and other rent	15,255			12,512		14,515		1,254
25.3 Printing and reproduction	3,755			2,225		2,225		25
25 Other Services	54,257			55,255		57,225		2,245
25 Supplies and materials	15,245			7,745		7,222		(414)
26 Equipment	5,245			2,454		2,145		(514)
41 Grants, subsidies and contributions	2,415			15,515		14,514		(1,255)
42 Insurance, claims and indemnities	15			15		25		21
Total direct obligations	425,535			421,475		427,125		15,555
Reimbursable obligations	55,545			55,555		55,555		
Total obligations	481,080			477,030		482,680		15,555
Unobligated balance, start-of-year		(15,755)		(5,255)		(4,541)		
Unobligated balance, transferred		(5)		(5)		(5)		
Unobligated balance, end-of-year		5,255		4,541		2,255		
Unobligated balance expiring		2,112						
Total requirements		481,035		481,334		484,445		
Relation of obligations to outlays								
Total obligations		425,535		421,475		427,125		15,555
Obligated balance, start-of-year		44,225		31,154		54,254		
Obligated balance, end-of-year		(21,155)		(54,254)		(55,275)		
Adjustments to capital accounts		(4,551)						
Outlays		481,035		427,221		519,557		

OFFICE OF THE SOLICITOR GENERAL



Approved: *Janet Reno* Date: 1/23/74
 JANET RENO
 Attorney General

A1

**Office of the Solicitor General
 Title 28, U.S. Code
 Chapter 131, U.S. Code
 Section 131, U.S. Code
 (Dollars in thousands)**

	1995 President's Budget Request		Congressional Appropriations Action for 1995 Pay Raise		FTE Reduction for 1995 Pay Raise		1995 Appropriation Estimate					
	Est.	Yr.	Est.	Yr.	Est.	Yr.	Est.	Yr.				
Administration												
Conduct of Supreme Court proceedings and review of appellate matters.....	48	54	94,145	(1)	(3)	(8547)	(1)	0	(853)	47	50	95,765

Congressional Appropriation Action. Conference action denied all program increases requested. Additionally, program decreases of 1 position, 1 year, and \$175,000 to reduce the deficit and share the locality pay were taken.

Administration. This is a one-time reprogramming to the Criminal Division and IPOL to fund an anticipated shortfall in OGA rent funding. This transaction has been approved by OGA and the Congress.

FTE Reduction for 1995 Pay Raise. This FTE reduction is required because of the increase in the 1995 pay raise from 1.6 percent to 3.21 percent.

* Includes reductions for procurement and OGA rent.

Office of the Solicitor General
Salaries and Expenses - General Level Activities
Summary of Requirements
 (dollars in thousands)

Adjustments to base:

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
As enacted.....	47	47	47	47	47	47	47	47	47	47	47
Reprogramming (one-time).....	..	..	..	..	..	..	..	..	..	..	..
FTE reduction for 1995 pay raise.....	..	..	..	..	..	..	..	..	..	..	..
1995 Appropriation Anticipated.....	..	..	..	..	..	..	..	..	..	..	..
Restoration of one-time reprogramming.....	..	..	..	..	..	..	..	..	..	..	..
Mandatory increases:											
Restoration of 1 attorney position.....	1	1	1	1	1	1	1	1	1	1	1
Unfunded positions and workyears.....	..	..	..	..	..	..	..	..	..	..	..
One additional compensable day.....	..	..	..	..	..	..	..	..	..	..	..
1995 pay raise.....	..	..	..	..	..	..	..	..	..	..	..
Generalization of 1995 raise (3.3%).....	..	..	..	..	..	..	..	..	..	..	..
Within-grade increases.....	..	..	..	..	..	..	..	..	..	..	..
Health benefits.....	..	..	..	..	..	..	..	..	..	..	..
SSB required "buyout" payment to GSA.....	..	..	..	..	..	..	..	..	..	..	..
Unemployment Compensation - redistribution.....	..	..	..	..	..	..	..	..	..	..	..
General Services Administration (GSA) rent.....	..	..	..	..	..	..	..	..	..	..	..
Increase in postal rates.....	..	..	..	..	..	..	..	..	..	..	..
Project EASE maintenance.....	..	..	..	..	..	..	..	..	..	..	..
General pricing level adjustments.....	..	..	..	..	..	..	..	..	..	..	..
Total mandatory increases.....	44	44	44	44	44	44	44	44	44	44	44
Decreases:											
Procurement savings.....	..	..	..	..	..	..	..	..	..	..	..
Federal Employees Retirement System.....	..	..	..	..	..	..	..	..	..	..	..
1996 base.....	..	..	..	..	..	..	..	..	..	..	..
Program Change (see narrative for details).....	..	..	..	..	..	..	..	..	..	..	..
1996 Estimate.....	43	43	43	43	43	43	43	43	43	43	43

Estimates by budget activity

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
As Enacted.....	46	52	85,438	48	52	85,438	47	50	85,745	48	52	86,185
1995 Appropriation Anticipated.....	..	..	..	..	..	..	..	..	..	..	..	..
Conduct of Supreme Court proceedings and review of appellate matters.....	..	..	..	..	..	..	..	..	..	..	..	..
Other Workyears	..	..	..	..	..	..	..	..	..	..	..	..
Overhead.....	..	..	..	..	..	..	..	..	..	..	..	..
Total compensable workyears.....	..	..	..	..	..	..	..	..	..	..	..	..
1996 Estimate.....	46	52	85,438	48	52	85,438	47	50	85,745	48	52	86,185
1996 Estimate.....	46	52	85,438	48	52	85,438	47	50	85,745	48	52	86,185

Office of the Solicitor General
 Solicitor General
 Financial Activity - Federal Assets
 (dollars in thousands)

Item	Federal Appellate Activity	
	1995 Pay Balance	
	Pay.	Amount
1995 Pay Balance.....	...	(39)
Total positions and annual rebal.	...	(39)
Other than permanent.....
Total workyears and personnel	...	(39)
Compensation.....	...	(4)
Personnel supplies.....	...	(21)
Travel and Transportation.....
Other rent.....
Printing.....
Other services.....
Supplies and materials.....
Equipment.....
Total program workyears and obligations	...	(77)
changes requested, 1995.....

Office of the Solicitor General
 Salaries and Expenses
 Detail of Personnel Positions by Category
 Fiscal Years 1994 - 1996

Category	1994		1995		1996	
	Total		Total		Total	
	Authorized		Authorized		Request	
Attorneys (905).....	22	21	21	22	22	22
Paralegal Specialists (950).....	6	6	6	6	6	6
Other Legal and Kindred (900-990).....	4	4	4	4	4	4
Accounting and Budget (500-599).....	1	1	1	1	1	1
Gen. Admin., Clerical and Office Sec. (300-399).....	15	15	15	15	15	15
Total.....	48	47	47	48	48	48
Washington.....	48	47	47	48	48	48

Office of the Solicitor General
Salaries and Expenses
Summary of Appropriations by Grade and Object Class
 (Dollars in thousands)

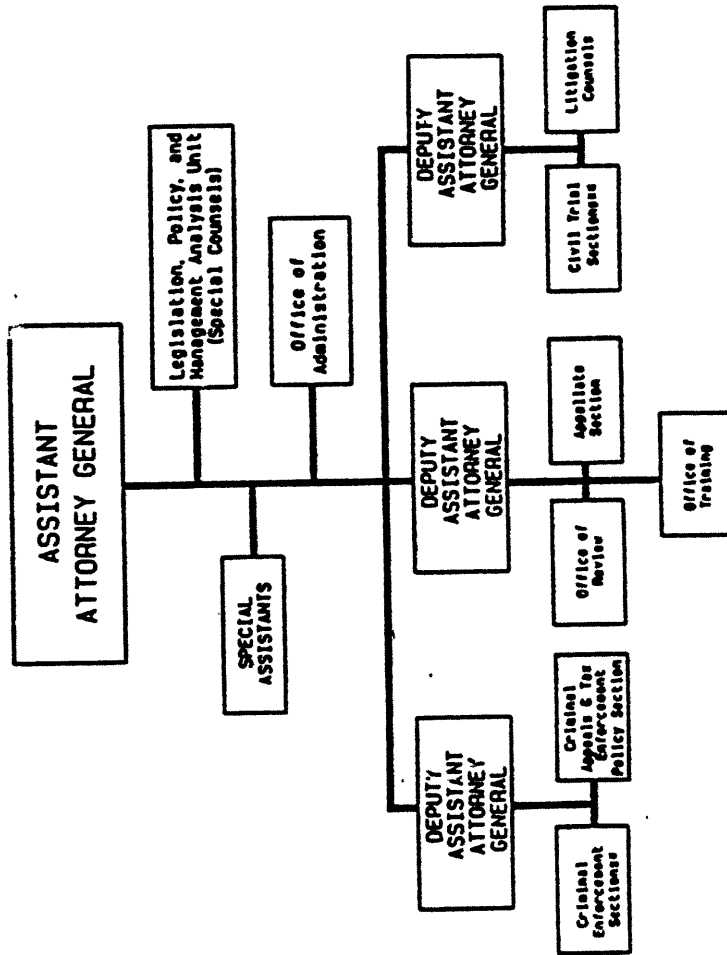
Grades and salary ranges	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease Positions & Mechanics Amount
	Positions & Mechanics Amount		Positions & Mechanics Amount		Positions & Mechanics Amount		
Executive Level III - \$123,140.....	1		1		1		...
GS-6.....	1		1		1		...
GS-5.....	1		1		1		...
GS-4.....	1		1		1		...
GS-3.....	1		1		1		...
GS-2.....	1		1		1		...
GS-1.....	1		1		1		...
GS-15.....	1		1		1		...
GS-14.....	1		1		1		...
GS-13.....	1		1		1		...
GS-12.....	1		1		1		...
GS-11.....	1		1		1		...
GS-10.....	1		1		1		...
GS-9.....	1		1		1		...
GS-8.....	1		1		1		...
GS-7.....	1		1		1		...
GS-6.....	1		1		1		...
GS-5.....	1		1		1		...
Locality pay.....	140		140		140		...
1996 pay raise.....	140		140		140		...
Total, appropriated positions.....	27	3,118	27	3,118	27	3,118	...
Pay above stated annual rates.....	12		12		12		...
Leave.....	(3)	(36)	(3)	(36)	(3)	(36)	...
Net Savings.....	14	(36)	14	(36)	14	(36)	...
Net full-time permanent.....	23	3,152	23	3,152	23	3,152	...
Other than permanent.....	4	200	4	200	4	200	...
Part-time employment.....	3	182	3	182	3	182	...
Temporary employment.....	3	182	3	182	3	182	...
Other part-time and intermittent employment.....	0	0	0	0	0	0	...
Other personnel compensation:							
Overtime.....	1	75	2	66	2	66	...
Administratively uncontrollable overtime.....	...	...	...	...	...	...	...
Other compensation.....	1	116	...	...	...	...	...
Special personnel services payments.....	0	0	...	...	...	...	...
Total, salaries and personnel compensation.....	34	3,357	33	3,331	34	3,709	...
Average GS salary.....		(\$112,922)		(\$115,208)		(\$116,700)	...
Average GS/RS salary.....		(\$64,231)		(\$67,082)		(\$69,318)	...
Average GS/RS grade.....		(11.73)		(12.28)		(12.39)	...

Office of the Solicitor General
Salaries and expenses
Summary of Obligations by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual Obligations	1995 Estimate Obligations	1996 Estimate Obligations	1996 Estimate Obligations	1996 Estimate Obligations			
11 Personnel compensation.....	43	82,358	45	82,847	47	83,210	2	343
11.1 Full-time permanent.....	9	442	5	409	5	434	...	25
11.2 Other than permanent.....	2	187	2	44	2	44	...	0
11.3 Other personnel compensation.....	...	0	...	1	...	1	...	0
11.5 Special personnel services payments.....								
11.6								
Total, workers and personnel compensation.....	54	83,207	52	83,321	54	83,799	2	368
12 Personnel benefits.....		604		713		758	...	45
13 Benefits to former personnel.....		1		4		5	...	1
21 Travel and transportation of persons.....		10		10		10	...	0
22 Transportation of things.....		7		11		12	...	1
23.1 Standard Level User Charges.....		656		628		637	...	29
23.3 Communications, utilities and miscellaneous charges.....		115		127		127	...	0
24 Printing and reproduction.....		542		482		471	...	(11)
25 Other services.....		345		349		344	...	4
26 Supplies and materials.....		48		45		47	...	2
31 Equipment.....		33		44		25	...	(19)
Total obligations.....	54	5,428	52	5,745*	54	6,185	2	440

* The 1995 estimate of obligations differs from that shown in the President's Budget Appendix due to an erroneous calculation of carryover.

TAX DIVISION



a Northern, Southern, Western
 or Northern, Eastern, Central, Southern, Southwestern,
 Western, Court of Federal Claims

Approved:

James R. Reid
 JAMES REID
 Attorney General

Date:

1/3/88

Tax Division
Salaries and Expenses, General Legal Activities
Statement of 1995 Changes
(dollars in thousands)

Activity, General Tax Matters	1995 President's Budget Request 1/ FY Amount		Congressional Appropriation Actions on 1995 Request FY Amount		FY 1995 PTE Reduction FY Amount		Personnel Class 2/ FY Amount		1995 Availability FY Amount	
	Fed.	FY	Fed.	FY	Fed.	FY	Fed.	FY	Fed.	FY
Federal Appeals	07	77	07	77	...	...	...	...	07	77
Criminal Prosecution	127	117	127	117	...	...	...	...	127	116
Civil Litigation	307	320	307	320	...	...	...	...	307	320
Management & Administration	99	102	99	102	...	...	...	...	99	98
Total	660	625	660	625	...	...	...	...	660	619

1/ These amounts include reductions for procurement and O&A rent.

2/ This reprogramming reflects the Tax Division's reprogramming request in FY 1994, which was approved by OMB in August 1994, and by Congress in September 1994. This reprogramming action constituted a permanent change. Thus, its effects are carried into FY 1995. These figures also reflect a one-time reprogramming of \$100,000 in FY 1995 to the Criminal Division to fund an anticipated shortfall in O&A rent funding that will be reflected to the Tax Division's base in FY 1996.

FILE: CH000077

02/06/95
B-1

**Tax Division
Collection and Expenses
Summary of Appropriations by Program
(Dollars in thousands)**

Expenditures by Program	1994 as Requested			1994 Actual			1995 Availability 1/			1995 Base			1996 Estimate			Interest/Debt Service		
	Per- Cent	Thou.	WT	Per- Cent	Thou.	WT	Per- Cent	Thou.	WT	Per- Cent	Thou.	WT	Per- Cent	Thou.	WT	Per- Cent	Thou.	WT
General Tax Matters:																		
Federal Appeals	92	64	87,321	92	61	87,110	87	37	87,000	95	75	87,272	95	75	87,220	...	...	(839)
Criminal Prosecution	129	131	17,273	139	129	17,142	127	116	17,000	127	117	17,200	127	117	17,226	...	...	(303)
Civil Litigation	232	225	34,752	232	220	31,725	247	210	31,702	245	217	32,077	245	217	32,107	...	...	(350)
Management & Administration	128	118	7,255	125	125	7,217	22	28	7,222	22	23	7,272	22	23	7,212	...	...	(129)
Total	609	640	959,463	609	633	956,993	600	610	959,439	609	616	961,276	609	616	960,553	...	...	(8721)
Reimbursable Mortgage	12			11			12			12			12					
Total Mortgage	672			664			631			636			636					
Other Mortgage:																		
Holiday																		
Overline	3			3			3			3			3					
Total Compensable Mortgage	677			669			636			631			631					

1/ 1994 Actual expenditures reflect the Tax Division's approved reprogramming. They also include \$10,000 carried forward into 1994 for Automated Litigation Support and \$20,000 in obligations against unexpired appropriations enacted in previous years.

2/ 1995 Availability expenditures include the FY 1995 reprogramming, which provided for a permanent change, plus a one-time reprogramming of \$100,000 in FY 1995 to the Criminal Division to fund an anticipated shortfall in QAA rest funding.

FILE: 800077

07/04/95
B-3

Tax Division
Salaries and Expenses, General Legal Activities
Justification of Multi-Activity Program Expenses
 (dollars in thousands)

Budget Activity/Program	Absorption of 1994 Pay Rates		Amount
	Est.	%	
Federal Appeals	(339)
Criminal Prosecution	(202)
Civil Litigation	(359)
Management & Administration	(22)
Total	(922)

ABSORPTION OF FY 1994 PAY RATES

The Tax Division will employ a combination of measures to absorb the estimated cost of the 1994 pay raise, including cutting travel and litigation expenses. As a result, Tax Division attorneys will handle fewer cases. Reducing travel will limit the number of criminal prosecutions in which Tax Division lawyers play a leading role. In civil litigation matters, the Tax Division will place greater reliance on IRS District Counsel lawyers and lawyers in U.S. Attorneys' Offices designated to handle civil disputes. To the extent that additional cost-cutting measures need to be taken, the Division will consider curtailing attorney access to automated legal research services, freezing or deferring promotions, reducing overtime and SMS bonuses, and scaling back on technology investments. The Division will also explore the feasibility of reducing supply inventories and the number of rented telephone lines.

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03/03/93
B-6

Tax Division
Salaries and Expenses, General Legal Activities, 15-0128-0-1-252
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

ACTIVITY: GENERAL TAX MATTERS	1995 AVAILABILITY			1995 BASE			1995 ESTIMATE			Increase/Decrease	
	Perm.	MI	Amount	Perm.	MI	Amount	Perm.	MI	Amount	Est.	MI
Federal Appeals	81	77	\$7,059	85	75	\$7,272	85	75	\$7,233	...	...
Criminal Enforcement	131	116	13,000	127	117	13,508	127	117	13,236	...	...
Civil Litigation	347	328	31,392	345	327	32,497	345	327	32,147	...	...
Management & Administration	22	22	2,828	22	22	2,927	22	22	2,947	...	...
TOTAL	640	619	\$59,429	649	614	\$60,276	649	614	\$60,533	...	...

The primary mission of the Tax Division is to enforce the country's tax laws in court and thereby generate revenue for the Federal Government. The General Tax Matters budget activity provides the personnel and funding resources necessary to maintain an effective and viable Tax Division. The tax enforcement litigation conducted by Division attorneys ensures that the nation's internal revenue laws are fairly and uniformly applied and that the public complies with the nation's tax laws. The Division's work and accomplishments contribute significantly and directly to efforts by the Administration and Congress to reduce the Federal budget deficit.

FEDERAL APPEALS	1995 AVAILABILITY			1995 BASE			1995 ESTIMATE			Increase/Decrease	
	Perm.	MI	Amount	Perm.	MI	Amount	Perm.	MI	Amount	Est.	MI
	87	77	\$7,059	85	75	\$7,272	85	75	\$7,233	...	...

LONG RANGE GOAL: To promote fair and uniform enforcement of the tax laws in litigation matters before Federal and State courts of appeal.

MAJOR OBJECTIVES:

- To promote and maintain the high caliber of the Government's written and oral advocacy in Tax Division cases appealed to and pending before the United States Supreme Court.
- To recommend and successfully prosecute appeals in civil litigation matters that were wrongly-decided by the Tax Court, the Court of Federal Claims, the Federal District Courts, and various state courts.

the Supreme Court of appeal to adopt fair and consistent interpretations of new or complex tax statutes, including for example, issues that arise under the Tax Reform Act of 1986, the 1988 Taxpayer Bill of Rights, the Revenue Reconciliation Act of 1990, and the Omnibus Budget Reconciliation Act of 1993.

the provide legal advice and furnish litigation support to the Internal Revenue Service, the U.S. Attorneys' Offices, and the Criminal Prosecution and Civil Litigation sections of the Tax Division.

MAJOR PROGRAMS AND ACTIVITIES:

The Division lawyers working in the Appellate Section litigate all Federal civil tax cases appealed to the United States courts of appeals and State appellate courts. They also draft pleadings and briefs filed by the Solicitor General in the United States Supreme Court and make recommendations to the Solicitor General regarding the advisability of filing: (i) appeals in civil tax cases where the Federal Government did not prevail before the District Courts, the Court of Federal Claims, the Tax Court, and state courts; and (ii) petitions for certiorari in civil tax cases where the Federal Government did not prevail in an appellate forum. In addition, attorneys in this section handle appeals generated in Freedom of Information Act and Privacy Act cases, civil tort suits that involve IRS officials and employees, and cases involving inter-governmental immunity. They prepare amicus curiae briefs filed by the United States in private lawsuits that present issues affecting the interests of the IRS and in other cases where a court invites the Government to state its views on civil tax-related questions.

ACCOMPLISHMENTS AND VOLUME:

The accomplishments and workload of the Federal Appeals section, expressed in number of cases pending and closed, written products, and oral arguments during the last two complete fiscal years and projections for FY 1995 and 1996, are summarized in the following table:

Item	1993 (Actl.)	1994 (Actl.)	1995 (Estl.)	1996 (Estl.)
1. Caseload				
a. Pending, Start of Year	993			1,123
b. Received	991	1,086	1,103	950
c. Closed	898	945	950	930
2. Work Products				
a. Main Briefs	628	630	620	630
b. Other Briefs	87	176	85	90
c. Oral Arguments	264	287	260	260
d. Memoranda	475	479	480	480

The FY 1993 and 1994 "actual" workload statistics appearing here are based on information that is regularly updated as new information becomes available and may not be the same as those statistics reported in previous years.

These data are derived from the Tax Division's monthly automated report of case receipts, closings, and related statistics and from internal record by the Appellate Section. The FY 1993 and 1994 figures reflect the Section's caseload at the end of the year. Estimates for FY 1995 and 1996 are projected based on activity in this section during the first quarter of FY 1995, workload projections for the Division's Civil Litigation Section, and information provided to the Division by the Internal Revenue Service.

While compiled data provide one measure of the productivity of the Division's Appellate attorneys, case examples illustrate in substantive and tangible terms the nature of the work and its effects on revenue. In each of the cases described below, attorneys from the Tax Division's Appellate Section played a critical role by briefing and/or arguing civil tax issues that have a significant impact on the public fisc.

According to the IRS, the issue raised in *Albertson's Inc. v. Commissioner*, may involve as much as \$7 billion in Federal income tax revenues over the next five years. The question was whether the taxpayer was entitled to a current deduction for that component of its obligations under a non-qualified deferred compensation plan that represented interest on the underlying deferred compensation. The statutory scheme for such plans generally requires matching the income and the deduction, i.e., the employer/taxpayer is not entitled to deduct the deferred compensation until such time as the employee includes it in his or her income (which could be many years in the future). In this case, the taxpayer maintained that the matching rule applied only to the compensation element of its obligations and not to the separately computed interest on that underlying compensation. While the Tax Court ruled in favor of the government, the Court of Appeals for the Ninth Circuit initially reversed and held that the taxpayer was entitled to accrue and deduct the interest on its plan obligations. The Tax Division petitioned for rehearing and, in light of the administrative importance of the issue, filed a suggestion for rehearing on June 1. A rehearing by the appeals court panel was granted and, upon further briefing and argument, the panel reversed itself and held in favor of the Commissioner. In essence, the Court reevaluated the question in light of the policy considerations advanced by the Appellate Section and held that those considerations and not the narrow reading of statutory terms upon which the first panel opinion was based, mandated a decision in favor of the government.

In *United States v. Carlson*, the Supreme Court unanimously upheld the retroactive application of the 1993 Omnibus Budget Reconciliation Act in the face of a due process challenge. The specific issue involved the retroactive amendment of Section 2037 of the Internal Revenue Code. An originally enacted 1986, Section 2037 allowed a deduction from a gross estate in an amount equal to one-half of the proceeds from a sale of employer securities to an employee stock ownership plan (ESOP). The statute did not specify that only securities owned by a decedent at the time of his or her death qualified for the deduction. In late 1994, the estate in this case -- attempting to take advantage of an apparent loophole -- purchased more than 311 million in stock after the decedent's death, immediately sold the stock to an ESOP, and claimed the deduction. In 1997, Congress amended Section 2037 to permit the deduction only for sales of stock that had been owned by the decedent at the time of death and made the amendment retroactive to all returns filed during 1986. Relying on the amendment to the statute, the IRS denied the deduction. The Ninth Circuit refused to apply the statute retroactively on the grounds that it violated the Due Process Clause. The Supreme Court reversed, holding that the amendment was "rationally related to a legitimate legislative purpose," in that Congress "acted to correct what it reasonably viewed as a mistake in the original 1986 provision that would have created a significant and unanticipated revenue loss." The Court rejected the estate's position that it had detrimentally relied on the statute as originally enacted. The Court said: "Tax legislation is not a promise, and a taxpayer has no vested right in the Internal Revenue Code."

In *Barclays Bank v. Franchise Tax Board of California and Colgate-Palmolive Company, Inc. v. Franchise Tax Board of California*, the Supreme Court upheld the constitutionality of the world-wide combined reporting method for imposing tax on multinational corporations that was in effect in California in the 1970s. Under the California system, a multi-factor formula was used to determine how much of the total worldwide income earned by corporate parents, subsidiaries, and affiliates was taxable in California. The United States urged in an amicus brief filed in support of the state, that this unitary tax system should be upheld. In *Barclays*, the United States took the position that California's unitary tax system, as applied to groups of corporations with foreign parents, did not interfere with the Federal Government's power to regulate foreign commerce and foreign affairs because it was not incompatible with Federal policy at the time the tax in question was levied. In *Colgate-Palmolive*, the United States argued that the California tax system was constitutional because no Federal policy existed during the relevant time period that precluded the state from applying its worldwide unitary tax system to domestic taxpayers with foreign and domestic subsidiaries.

In *Anderson Corp. v. Commissioner*, the Seventh Circuit affirmed a favorable decision by the Tax Court. The taxpayer contended that approximately \$185 million in payments it made to the Government to settle criminal and civil claims arising out of charges that it had engaged in illegal contracting practices, and to which it had pled guilty, constituted "excessive profits" repaid as the result of a "reconciliation." Under this theory, the taxpayer would have been entitled to exclude the payments from income in the years earned, instead of deducting them in the year paid. This would be advantageous to the taxpayer to the tune of at least \$37 million, since the income tax rates had decreased significantly in the intervening years. The Seventh Circuit rejected the taxpayer's argument, finding that it conflicted with the history and purpose of the statute at issue.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

In FY 1994, as part of its National Performance Review initiatives and its obligations under the Government Performance and Results Act (GPRA), the Assistant Attorney General established a Performance Management Committee, composed of attorneys, administrators, and managers, to identify and develop appropriate performance indicators and measures that would reflect accurately the vision of the Division. The performance goals and indicators identified and discussed below represent the Committee's initial determination of the goals for the Division's appellate division and the data necessary to determine the extent to which these goals are met. FY 1995 will be the first year in which the Division will have the opportunity to apply the Committee's determinations to the Division's activities and assess the outcome. Thus, these indicators and measurements should be viewed as a starting point that will be refined over the course of the next several years.

Annual Performance Goals

1. To win, at least in part, 90 percent of cases in which the taxpayer takes an appeal.
2. To win, at least in part, 60 percent of cases in which the Government takes an appeal.
3. To maintain a consistent level of productivity by attorneys in the preparation of work products needed to advocate successfully the Government's position.

The majority of the work by attorneys who handle Federal appeals consists of representing the Government in civil tax appeals. An appropriate indicator of the success with which the Division protects the U.S. Treasury's otherwise fair results, and preserves its reputation with the courts, the legal community, and the taxpayers for just and effective advocacy is maintaining a "win" rate of about 90 percent in taxpayer appeals and 60 percent in Government appeals. The Division also strives to maintain a consistent level of productivity from its attorneys from year-to-year while preserving the quality of briefs filed with the courts.

Performance Indicators

	1993 Actual	1994 Actual	1995 Actual	1996 Actual
1. Percentage of taxpayer appeals won, at least in part, by the Government	92%	91%	90%	90%
2. Percentage of Government appeals in which at least part of the relief sought is awarded	70%	61%	60%	60%
3. Number of briefs, reply briefs, petitions for rehearing, pleadings, and other documents filed in court per attorney working	16.6	10.3	16.5	16.3

The Division's first assessment of the validity of these performance indicators is based on data from FY 1994. Preliminary data appear to indicate that attorneys in the Appellate Section made gains in productivity in FY 1994 because they prepared more briefs and other written products per attorney workyear and maintained a consistent rate of success in defending suits brought against the Government that was equivalent to FY 1993. The Division was unable, however, to maintain the success rate achieved in FY 1993 in appeals taken by the Government. The FY 1994 success rate achieved was 61 percent, which compared with 70 percent in FY 1993. Nonetheless, the FY 1994 rate of success exceeded the 60 percent goal established for FY 1993 and FY 1994. As the Committee refines the measurement system to take into account case difficulty and importance, the Division hopes to be able to provide more precise performance analyses.

Enforce Affirmative Program Performance:

1. IRS administrative actions, including litigation and prosecution referrals.
2. The type and amount of civil and appellate litigation brought by taxpayers and others under the Internal Revenue Code.
3. The enactment of legislation affecting tax laws and the litigation arising under these laws.
4. The level of funding provided to the Division for personnel and other resources.

Program Changes:

	1994 Base			1994 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Federal Appeals	85	76	\$7,272	85	76	\$7,272	...	...	(8 35)

This decrease represents that share of the program reductions described in the Multi-Activity Program Changes Exhibit appearing at page B-4 which is attributable to Federal Appeals.

	1994 Availability			1994 Base			1994 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
CRIMINAL PROSECUTION	127	116	\$13,000	127	117	\$13,508	127	117	\$13,236	...	...	( 272)

Lower Crime Goal:

To promote voluntary compliance with the nation's tax laws (i) by investigating and prosecuting individuals, corporations, nonprofit entities, and other types of taxpayers for violations of Federal criminal tax laws; and (ii) by advocating the imposition of sanctions that are appropriate to the criminal conduct and that will deter others from criminal activity.

MAJOR OBJECTIVES:

- To promote taxpayer compliance with the nation's voluntary tax system and tax laws by conducting investigations of suspected criminal allegations in cases referred by the IRS and the U.S. Attorneys' Offices.
- To prevail in the Federal Courts of Appeal and the Supreme Court when appeals are taken either by the Government or a defendant in criminal cases.
- To investigate and prosecute taxpayers with legal source income who commit tax offenses.
- To promote coordination between the U.S. Attorneys' Offices and the Criminal Investigation Division of the IRS in criminal tax investigations and prosecutions.
- To investigate and prosecute cases arising as a result of the savings and loan crisis and to support the efforts of the U.S. Attorneys and the Criminal Division in the Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) initiative.
- To participate in investigations and prosecutions of drug trafficking involving tax offenses and conducted as part of the Organized Crime and Drug Enforcement Task Force ("OCDETF").
- To supervise and prosecute criminal tax cases involving motor fuels and other Federal excise tax evasion, health care fraud, tax protester schemes, electronic filing and tax refund fraud, bankruptcy fraud, off-shore banking operations, money laundering, and other conduct that constitutes criminal violations of the tax statutes, including activities involving organized crime.
- To monitor, participate in, and manage grand jury investigations where violations of the tax laws are investigated.
- To review and evaluate evidence presented to grand juries investigating tax crimes and make a determination whether any prosecution for tax crimes should be authorized.
- To promote and protect the ability to prosecute criminal tax offenses by advising the Treasury Department, the State Department, and other Federal agencies that negotiate international tax treaties, mutual legal assistance treaties, and other bilateral and multilateral agreements to which the United States is a party.

MAJOR PROGRAMS/INITIATIVES:

Attorneys in the Tax Division's four Criminal Enforcement Sections investigate and prosecute individuals, corporations, nonprofit organizations, and other taxpayers that attempt to commit tax evasion, willfully fail to file tax returns, file false tax returns, and otherwise intentionally attempt to evade their obligations under the Federal tax laws. They also investigate and prosecute tax violations occurring in the context of other criminal conduct such as financial institution fraud, narcotics trafficking, bankruptcy fraud, health care fraud, organized crime, public corruption, motor fuels and other excise tax fraud, and domestic and international tax conspiracies. The Division seeks to promote a balanced program of criminal tax enforcement by investigating criminal conduct nationwide in a variety of industry and occupational market segments.

The Criminal Enforcement Sections receive referrals from the IRS to prosecute taxpayers identified by the IRS as a result of its own administrative investigations and requests to initiate grand jury investigations. Tax Division prosecutors review and screen these referrals to ensure that uniform standards of prosecution are employed and that all criminal tax violations warranting prosecution are, in fact, prosecuted. This review of criminal tax cases by Criminal Enforcement attorneys contributes to the high overall quality of criminal tax prosecutions and results in better than a 95 percent conviction rate, essential to deter taxpayer fraud. After the Tax Division authorizes that tax charges be brought against a taxpayer, prosecutions are handled either by the U.S. Attorneys, or in complex and significant cases (or cases in which the U.S. Attorney requests assistance), by Tax Division Criminal Enforcement attorneys. Tax Division attorneys also provide legal advice to the U.S. Attorneys' Offices on a wide range of issues and monitor the status of criminal tax cases pending on U.S. Attorneys' dockets.

ACCOMPLISHMENTS AND WORKLOAD:

The workload statistics on the following page for the Tax Division's Criminal Enforcement Sections report the inventory pending at year end, new matters received, and matters closed. These statistics are expressed in number of prosecution cases and grand jury investigations and defined consistently with previous years by case and by individual subject. The FY 1993 and 1994 data reflect the end-of-year caseload. Estimates for FY 1994 and 1995 are based on the criminal workload during the first quarter of FY 1995 and reflect information received from the Criminal Investigation Division of the IRS about cases currently under investigation, the impact of investigative time spent by the Service on narcotics and money laundering investigations, an anticipated increase in resources devoted to legal source income tax prosecutions, revised investigation standards, and other data. The data do not capture, however, the requests received from U.S. Attorneys to expand non-tax grand juries to include tax charges and requests from the IRS to initiate new grand jury investigations. Each year, the Tax Division receives approximately 1,200 such requests. While some take little time to review because they have been thoroughly analyzed by an Assistant United States Attorney or an IRS Special Agent, others require a significant investment of attorney time.

Moreover, the Tax Division's criminal workload projections cannot accurately capture the changing make-up of the cases referred by the IRS and the consequent effects on work performed by Tax Division attorneys. Thus, the number of cases is not a reliable predictor of future workload. The number of prosecutions or grand juries requested does not, for instance, take into account the hours that Criminal Prosecution attorneys spend reviewing and preparing subpoenas to attorneys, requests for witness immunity, and search warrant applications. All of these activities are time intensive, sensitive, and require immediate attention by Tax Division attorneys. In addition, the number of cases does not take into account that over the last several years, while the number of cases referred by the IRS has declined, the schemes investigated are more complex. They take longer to investigate, and they are more labor intensive than cases referred in previous years. Thus, there are fewer of them. For example, motor fuel excise tax evasion, financial institution fraud, and health care fraud investigations are relatively new, they involve complex undercover operations and require in-depth analyses of warehouses of documents and other information by IRS Special Agents and Tax Division prosecutors, before a single indictment can be returned. In addition, unlike previous years, Tax Division attorneys are spending significantly more time managing grand jury investigations and trying cases relative to the amount of time spent reviewing and authorizing prosecutions. According to data accumulated by the Division, in FY 1991, attorneys in the Criminal Enforcement Sections designated 45 percent of their time as devoted to reviewing cases and preparing prosecution recommendations and 55 percent of their time before grand juries. In court, and negotiating guilty pleas. In FY 1994, they spent only about 35 percent of their time on the review function while they reported that 64 percent of their hours were spent in the trenches handling grand jury investigations and prosecuting cases in districts around the country.

By tradition, the Tax Division prosecutes cases that will deter others from criminal conduct. Several cases illustrate the accomplishments of the Tax Division's Criminal Enforcement attorneys in FY 1994:

Trials and Guilty Pleas:

• In *United States v. Richard McNaughton, Bell Fuels, Inc., Igor Vekaler and Eduard Sikhar* (E.D. PA), four defendants were convicted of assorted motor fuel excise tax evasion conspiracy, wire fraud, and RICO conspiracy charges as a result of their participation in a tax evasion scheme that cost the Federal and state governments more than \$14 million in excise taxes on diesel fuel. Fourteen additional co-defendants pled guilty. The lead defendant, Richard McNaughton, faces a maximum of 155 years of incarceration and a \$7 million fine, and Bell Fuels faced a \$5 million fine. The scheme used a series of sham companies, referred to as "burn" companies, in a complex "delay chain" series of transactions. While title to millions of gallons of No. 2 oil was passed on paper through these "burn" companies, in fact the oil never moved from the terminals. One of the companies in the chain appeared on paper to have paid the excise taxes. The taxes -- amounting to about 30 cents/gallon -- were never paid. Rather, the tax money was used to fund the sale of the diesel at below market prices and divided among the conspirators as their profit. The conspirators enjoyed a significant price advantage over companies who were paying the excise taxes. Evidence at trial established that the delay chain was orchestrated from New York City by a group of Russian immigrants with ties to the Brighton Beach area of Brooklyn. Over \$38 million and 51 million gallons of No. 2 fuel oil passed through the delay chain operation in a 14-month period. In another excise tax evasion conspiracy, *United States v. Joseph Reisch, et al.* (E.D.M.I.), 15 defendants pled guilty to an indictment that charged a conspiracy to evade \$14 million in gasoline excise taxes over a three-year period. The defendants included members of the Colombo and Lucchese organized crime families and the so-called "Russian Mob."

ACCOMPLISHMENTS AND WORKLOAD

ITEM	Estimates 1/			
	1923	1924	1925	1926
I. Prosecution Cases				
1. Pending, Start of Year	3,723	5,486	6,482	7,479
2. Received	1,434	2,332	2,162	1,700
3. Closed	854	1,336	1,165	970
4. Pending, End of Year	4,393	6,482	7,479	5,310
II. Grand Jury Investigations				
1. Pending, Start of Year	2,939	2,939	3,326	3,657
2. Received	749	749	662	600
3. Closed	362	362	331	390
4. Pending, End of Year	3,326	3,326	3,657	3,997

Cases closed in previous fiscal years that are reopened are counted as receipts in the fiscal year in which they are reopened.

1/ These are conservative estimates based largely on a straightline projection of the first quarter FY 1995 receipts from the IRS, which are substantially lower than in previous years. Over the last five years, never once has the number of subjects referred fallen below 2,100/year. At this time, it is too early in the year and the sample is too small to ascertain whether this is a statistical anomaly, or the first indication that the IRS is succeeding in its goal of working larger (and hence fewer) cases. It is likely that actual receipts will exceed these projections.

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Following a month-long health care fraud trial and two days of jury deliberation, guilty verdicts on all counts were returned against all the defendants in *United States v. George Furlay, Wiley Abram, and James Gravett* (D. Kan.). The indictment, based on an insurance fraud scheme, consisted of counts of filing false income tax returns, failure to file income tax returns, mail fraud, and money laundering. The defendants obtained hospital indemnification policies in their own names. They staged bogus auto and other accidents and injuries. The scheme garnered \$1.5 million in fraudulent payments and resulted in a tax loss well in excess of \$200,000.

Bernie Lazar Hoffman (a/k/a Tony Alamo) was convicted of filing a false 1985 tax return and failing to file returns for 1986-1989 in *United States v. Bernie Lazar Hoffman* (a/k/a Tony Alamo) (M.D. TN.). Alamo is the 59 year-old leader of a "church" that the media has described as a "cult." After 25 years, this so-called "church" evolved into a highly profitable organization known first as the Tony and Susan Alamo Foundation and later as Music Square Church. At trial, the Government proved that Alamo was the true owner of businesses placed in the name of these tax-exempt entities and that the businesses enjoyed over \$9 million in unreported gross income during the tax years at issue. The Government also proved that the defendant spent hundreds of thousands of dollars financing a lavish lifestyle that included homes in at least four states, chauffeur-driven limousines, \$1,000 custom-made suits, and gifts of \$5,000 for coats to his multiple wives. Despite this display of wealth, Alamo testified that he was loyal to a "vow of poverty" that exempted him from taxation. Alamo systematically denied the testimony of 10 former followers and three ex-wives who testified to his ownership of the businesses and his exorbitant lifestyle. He also presented a good character defense, testifying at length about how he had devoted his ministry to saving the souls of drug users and hopeless criminals. On cross-examination, the Government was permitted to inquire into other aspects of Alamo's background, including allegations of child beating and spousal rape. The court sentenced Alamo to the maximum period of incarceration on both the pre-Guidelines counts and imposed a sentence enhancement in connection with the counts charging conduct subject to the Federal Sentencing Guidelines. Alamo faces six years of incarceration and fines of \$210,000.

The Tax Division played an instrumental role in preparing the indictment that was lodged against former CIA agent Aldrich Ames (a/k/a/ Kolokol in *United States v. Aldrich Ames* and *Maria Del Rosario Casas Ames* (E.D. Va.)). One of the Tax Division's senior prosecutors, who is also a Certified Public Accountant, worked closely with an IRS Special Agent to analyze the Ames' bank deposits and expenditures over a nine-year period. When it became clear that traditional methods of reconstructing income were unreliable because it could not be established that the deposits and expenditures were from taxable sources, our lawyer was able to match cash deposits and expenditures to meetings between Ames and the K.O.B., which proved that the money was for services rendered and therefore was taxable. The completed investigation revealed that between 1985 and 1992, Aldrich Ames received approximately \$2.5 million from the K.O.B. for his espionage activities. The Assistant United States Attorney on the case praised our investigation and said that as a result of the Tax Division's work on this investigation the Government was prepared to seek an indictment of Ames on tax charges within the speedy trial time period. Both Aldrich Ames and his wife pled guilty to tax charges in addition to espionage.

In *United States v. Reinhard P. Mueller* (M.D. FL), Reinhard Mueller, a Certified Public Accountant from Fort Lauderdale, was convicted of draining millions in cash and stock in 1986 from Omni Equities, Inc., formerly known as A.T. Sliss & Co., an energy and tax shelter company. The indictment included tax evasion, filing false tax returns, bank fraud, wire fraud, and perjury charges. The bank fraud, wire fraud, and tax charges stemmed from Mueller's defrauding the Depository Trust Company out of more than \$500,000 through wiring funds to London and depleting corporate assets. Mueller was the President, majority shareholder, and Chairman of the Board of Directors of Omni Equities, and in May of 1986, he served as Trustee during Omni's liquidation. Mueller was responsible for issuing liquidating dividend checks to the shareholders. He failed to issue a check to the Depository Trust Co. of New York City and instead diverted the money to his personal use. The additional tax due is approximately \$409,000.

Criminal Appeals and Tax Policy

In FY 1994, the Criminal Appeals & Tax Policy Section briefed in the Second Circuit Court of Appeals the issue of whether there is appellate jurisdiction to hear interlocutory appeals based on a denial of the defendant's motion to dismiss a superseding indictment allegedly returned in violation of a written immunity agreement in *United States v. Macchia*. Relying on the development of the law by the Supreme Court, the Second Circuit overruled its prior precedents permitting interlocutory appeals to assert breaches of plea agreements alleged to confer immunity. As a result of this action, there cannot be an interlocutory appeal where the immunity claims are grounded on the Due Process Clause or on a statute conferring transactional immunity. An interlocutory appeal will properly lie in the criminal context only where the constitutional or statutory protection relied upon confers a right not to be tried, as distinguished from a right to be free of some adverse action for which a remedy is dismissal of the indictment.

o In July 1994, an interagency delegation led by the Treasury Department, with participants from the Tax Division, the Criminal Division, and the IRS, met with representatives of the Swiss government and the Swiss banking industry to discuss the improvement of tax information exchange under tax treaty channels, including gaining access to Swiss banking information. As a result, during subsequent negotiations, the delegations reached an agreement that will increase the effectiveness of information exchange under the current bilateral income tax treaty between the United States and Switzerland and expand the exchange of information in connection with tax crimes under a proposed new treaty. Features of the new provision include requirements that the tax authorities of each country provide certified or authenticated copies of original documents, including third-party documents such as bank records, in appropriate cases involving tax crimes. This agreement in principle with Switzerland not only enhances the assistance that the United States receives from that country in criminal tax cases, but also has set the stage for greater leverage in tax treaty negotiations with other countries such as Luxembourg.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA):

In FY 1994, as part of its National Performance Review initiatives and its obligations under the Government Performance and Results Act (GPRA), the Assistant Attorney General established a Performance Management Committee composed of attorneys, administrators, and managers, to identify and develop appropriate performance indicators and measurements that would reflect accurately the mission of the Division. The performance goals and indicators identified and discussed below represent the Committee's initial determination of the goals for the Division's four Criminal Enforcement Sections (Northern, Southern, Western, and CTRPS) and the data necessary to determine the extent to which these goals are met. FY 1995 will be the first year in which the Division will have the opportunity to apply the Committee's determinations to the Division's activities and assess the outcome. Thus, these indicators and measurements should be viewed as a starting point that will be refined over the course of the next several years.

Annual Performance Goals:

1. To complete initial reviews of grand jury and administrative cases in an average of 45 days, with 85 percent of case reviews completed within 90 days.
2. To honor U.S. Attorneys' requests for litigation assistance, at the grand jury, trial level, and in connection with appeals, at the rate of 90 percent in both legal source income and targeted enforcement cases.
3. To support significant miscellaneous activities related to criminal enforcement efforts (e.g., training Assistant U.S. Attorneys; revising and updating the Criminal Tax Manual; participating in treaty negotiations; commenting on legislative proposals, amendments to the Sentencing Guidelines, amendments to the Federal rules, and other matters; and participating in task forces).

These initial performance goals reflect the core functions performed by the Criminal Enforcement Sections. Centralized review of prosecution recommendations is designed to insure uniform enforcement of criminal statutes relating to tax administration in order to promote voluntary compliance through maximum deterrence. Litigation assistance provided by the Criminal Enforcement Sections to the United States Attorneys also advances the goal of uniform enforcement by ensuring that all cases recommended for prosecution and appeal are promptly and fully pursued. This objective is also advanced when Tax Division personnel participate in miscellaneous ancillary activities that support the criminal enforcement effort, such as training activities, the publication of manuals, task forces, and the review of legislative proposals, amendments to the Sentencing Guidelines, and amendments to the Federal rules.

Performance Indicators:

1. a. Average days per initial review
- b. Completions within 90 days

	1993 (ACT)	1994 (ACT)	1995 (REEL)	1996 (REEL)
	44	44	45	45
	85%	84%	85%	85%

2. a. Litigation requests in legal source income cases honored 90%
- b. Litigation requests in targeted enforcement cases honored 90%
3. Rate of participation in miscellaneous activities 90%

The timely review of grand jury and administrative case referrals is important to the criminal tax enforcement effort because it promotes the goal of achieving maximum deterrence and fostering voluntary compliance. Tax Division attorneys were successful in meeting the initial target of keeping the average length of time between receipt and disposition of these cases to less than 45 days in both FY 1993 and FY 1994. In FY 1994, the Division fell slightly short of its goal of completing 85 percent of the reviews within 90 days. Efforts are underway to begin collecting data to measure Performance Indicators #2 and #3. As the Committee refines the measurement system to take into account case difficulty and importance, the Division hopes to be able to provide more precise performance analyses.

Factors Affecting Program Performance:

1. IRS policies and initiatives affecting the complexity and volume of prosecution referrals.
2. The volume of requests for assistance received from United States Attorneys.
3. Compliance of particular groups of taxpayers with the Internal Revenue Code.
4. The volume of requests for comments and participation in miscellaneous activities.
5. The level of funding provided to the Division for personnel and other resources.

PROGRAM CHANGES:

Criminal Prosecution

This decrease represents that share of the program reductions described in the Multi-Activity Program Changes Exhibit appearing at page B-4 which is attributable to Criminal Prosecution activities.

1994 Base			1994 Estimate			Increase/Decrease		
Perm.	WX	Amount	Perm.	WX	Amount	Perm.	WX	Amount
127	117	\$13,308	127	117	\$13,326	...	...	...
								(\$182)

1955 Availability				1956 Base				1956 Estimate				Increase/Decrease			
Perm.				Perm.				Perm.				Perm.			
Est.				Est.				Est.				Est.			
MI				MI				MI				MI			
Amount				Amount				Amount				Amount			
347	328	\$31,392		345	327	\$32,497		345	327	\$32,147		...	...	( \$350)	

CIVIL LITIGATION

LONG RANGE GOAL:

To litigate civil tax matters pending in Federal and state trial courts in a manner that will enhance voluntary compliance with the nation's internal revenue laws.

SHORT RANGE ACTIVITIES:

- To defend and resolve fairly suits against the Government in which a refund of taxes paid is sought.
- To defend the Government's interests in the thousands of bankruptcy proceedings filed each year in which the Government has a tax claim.
- To maximize the collection of taxes through the successful litigation of civil tax recovery suits and through prompt collection of tax judgments entered in the Government's favor.
- To facilitate IRS investigations by seeking court orders to enforce IRS administrative summonses.
- To represent the Government in injunctive, declaratory judgment, mandamus, jeopardy assessment, and other civil tax suits.
- To defend civil tort actions brought against revenue officials and thereby discourage nuisance suits against such officials.
- To administer Freedom of Information Act and Privacy Act programs by appropriately balancing the public's right to information concerning the policies and practices of the IRS with the IRS' ability to conduct effective tax investigations and its responsibility to safeguard statutorily-defined confidential information.
- To furnish expert legal advice and other litigation support to the IRS and the U.S. Attorneys' Offices.

BASE PROGRAM DESCRIPTION:

Civil Tax Litigation attorneys handle trial matters relating to the administration and enforcement of the tax laws and seek to resolve tax controversies on a basis that is fair and consistent with those laws. Attorneys litigate suits filed by and against taxpayers in the District Courts, the Bankruptcy Courts, and the Court of Federal Claims, including, e.g., tax refund suits challenging the IRS' determination of a taxpayer's Federal tax liability; bankruptcy litigation raising issues of the validity and priority of Federal tax claims and the feasibility of reorganization plans; actions to enforce IRS administrative summonses that seek information; suits to collect taxes and other monies owed by taxpayers; suits against IRS and other Government officials for torts allegedly committed in connection with tax collection activities; suits against the IRS brought pursuant to the Freedom of Information and Privacy Act; and state and local inter-governmental tax immunity suits. Civil Tax Litigation attorneys also represent the Government's interests in a myriad of litigation conducted in state courts.

ACCOUNTING METHODS AND WORKLOAD

The accomplishments and workload of the seven Civil Litigation Sections, expressed in number of cases litigated, i.e., inventory at the beginning of the year, plus new receipts, less cases closed -- organized by suit type as reflected in the Tax Division's case tracking system, appear in the table on the following two pages. These workload statistics were obtained from the Tax Division's automated monthly report of case receipts, closings, and related statistics. The FY 1993 and 1994 statistics reflect annual end-of-year caseload. Estimates for FY 1995 and 1996 are based on activity during the first quarter of FY 1995 and data provided by the IRS.

The Division's Civil Tax Litigation program represents its most comprehensive litigating function. Civil Litigation attorneys support the IRS' general compliance activities and special audit programs by defending the Service's administrative determinations in the courts. Cases handled by Civil Trial attorneys often govern thousands of cases pending administratively and generate significant revenue for the Federal treasury. In FY 1994, overall the Tax Division collected \$161.6 million, including \$81.3 million remitted directly to the IRS and was successful in obtaining \$157.9 million in new judgments and settlements. During the past year, Tax Division Civil Litigation attorneys also secured a number of major victories in the U.S. Bankruptcy Courts. The case descriptions that follow illustrate the breadth of issues litigated by the Tax Division.

In a settlement of issues about which the Tax Division had successfully required the taxpayer to turn over information to the IRS' auditors, Chevron agreed to pay the IRS \$550 million to resolve almost all of the issues that had arisen in nine years of tax disputes with the IRS. Among the tax issues that were contested were liabilities for intercompany interest, services and transfer pricing, offshore insurance operations, European refining and marketing operations, and the tax liability in connection with crude oil purchased at below-market prices by Chevron from Saudi Arabia that in turn set limits on Chevron's resale prices.

As a result of litigation commenced by the Tax Division in *In re Guyana Development Corporation* (S.D. TX), a Chapter 11 bankruptcy case, and following a trial that lasted from November 1991 until February 1994, the bankruptcy court appointed a trustee and held that several entities were alter egos of the debtor corporation. The trustee has now accumulated funds in excess of \$36 million, and the Tax Division expects the Government to be paid \$31 million for its tax claims.

In *International Lotto Fund v. Virginia State Lottery* and the *United States*, the issue litigated was whether an Australian trust that had purchased a large number of Virginia State Lottery tickets and won nearly \$26 million could sue to prevent taxes from being withheld from the annual payments. The Trust was successful in the District Court, but the Fourth Circuit reversed, holding that the Anti-Injunction Act and the Tax Injunction Act barred a Federal court from enjoining the collection of Federal and State taxes.

Fairchild Industries, Inc. v. United States presented the question of whether a portion of the research performed by the taxpayer pursuant to a Government defense contract constituted "funded" research ineligible for the tax credit afforded for research and development expenses. The Court of Federal Claims held that 55 percent of the research expenses claimed by the taxpayer to be eligible for the credit constituted "funded" research because the taxpayer was contractually entitled to be paid by the Government for that research, whether or not the Air Force ultimately decided to order production of the advanced T-46A jet trainer for which the contract was let. "[A]t bottom," the court observed, the taxpayer "was spending the government's money to conduct the T-46A research, not its own." Thus, the court ruled that the taxpayer was not eligible for a tax credit for that portion of the expenses. The taxpayer has appealed.

In *Lane Bryant, Inc. and The Limited, Inc. v. United States*, the Court of Federal Claims granted the Tax Division's motion for summary judgment and denied Lane Bryant's claim for a \$2 million tax refund, plus assessed interest paid. In 1980, corporate raiders bought blocks of Lane Bryant stock. To remove the unincome shareholders, Lane Bryant agreed to buy back the stock at a price that exceeded the stock's market trading price on the repurchase date by about \$5.3 million. The stock purchase agreements between Lane Bryant and the hostile shareholders explicitly allocated the entire price to the stock being repurchased. On its tax return, Lane Bryant sought to deduct the \$5.3 million "premium" over the market trading price of the stock as an ordinary and necessary business expense under the theory that the "premium" was paid for the raiders' standstill covenant, the termination of litigation with the raiders, and other non-stock items. The Court of Federal Claims Court held that Lane Bryant was precluded from allocating its greenmail payments other than as provided in the stock purchase agreements.

ACCOMPLISHMENTS AND WORKLOAD: Civil Litigation

ITEM	1992	1993	1994	Estimate	1995
I. Cases Litigated by the Tax Division 1/					
A. Defense of Monetary Claims					
1. Tax Refund Cases					
a. Pending, Start of Year	2,740	2,420	2,420	2,427	1,927
b. Received	844	740	740	740	600
c. Closed	1,164	1,021	1,021	920	840
d. Pending, End of Year	2,420	2,427	2,427	1,927	1,767
2. Other Defensive Cases					
a. Pending, Start of Year	1,465	1,311	1,311	1,353	1,203
b. Received	654	720	720	720	600
c. Closed	808	770	770	750	720
d. Pending, End of Year	1,311	1,353	1,353	1,203	1,163
B. Recovery of Money Cases					
1. Bankruptcy Cases					
a. Pending, Start of Year	6,226	5,323	5,323	4,660	4,600
b. Received	10,591	9,210	9,210	9,200	9,200
c. Closed	11,494	9,603	9,603	9,560	9,220
d. Pending, End of Year	5,323	4,660	4,660	4,600	4,400
2. Other Recovery of Money Cases					
a. Pending, Start of Year	2,009	1,911	1,911	1,893	1,893
b. Received	951	911	911	930	870
c. Closed	940	820	820	870	870
d. Pending, End of Year	1,911	1,893	1,893	1,893	1,893
1/ The number of cases pending, received, and closed for FY 1993 has been updated to exclude duplicate cases deleted from the Tax Division's case management system database that were reported in the Division's FY 1993 budget submission. Cases closed in prior fiscal years that are reopened are counted as receipts in the fiscal year in which they are reopened.					

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ACCOMPLISHMENTS AND EXPENDITURES Civil Litigation (continued)

ITEM	Estimates			
	1972	1974	1975	1976
C. Federal Civil Programs				
1. FOIA/Privacy Act				
a. Pending, Start of Year	171	162		89
b. Received	47	75		68
c. Closed	56	138		65
d. Pending, End of Year	162	99		84
2. Summons Enforcement Cases				
a. Pending, Start of Year	388	376		389
b. Received	535	482		378
c. Closed	547	439		398
d. Pending, End of Year	376	339		379
3. Other Enforcement				
a. Pending, Start of Year	362	441		462
b. Received	383	437		488
c. Closed	385	456		438
d. Pending, End of Year	441	422		482
Total Cases Litigated				
a. Pending, Start of Year	13,388	11,862		10,433
b. Received	12,905	12,395		12,310
c. Closed	15,323	12,346		12,825
d. Pending, End of Year	11,962	11,813		10,188
II. Bankruptcy & Summons Cases Reviewed and Transferred to United States Attorneys' Offices. 2/				
	38,837	32,170		32,188

2/ Reflects bankruptcy and summons cases received by the Tax Division that following review are closed by the Tax Division and forwarded to the United States Attorneys' Offices for disposition. In previous budget submissions, these cases were included as part of an overall count of bankruptcy and summons cases.

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9. In *re Charles R. Teeslik*, the Bankruptcy Court for the Southern District of Georgia held that the debtor's income tax liabilities for 1980 (the year of approximately \$1.8 million, were not dischargeable because the debtor attempted to evade payment of his taxes. The court based its determination on the debtor's prior bankruptcy filing, the debtor's previous guilty plea for failing to file his 1980 tax return, and the tardy filing of many of his subsequent tax returns. In addition, the court found that the debtor, who had not made any voluntary tax payments in ten years, schemed to avoid withholding on a substantial portion of his salary.

10. In *Estate of Virginia C. Andrews v. United States*, the District Court for the Eastern District of Virginia upheld the Government's claim that the commercial value of V.C. Andrews' name was an asset includable in her estate. Ms. Andrews was a popular author who was negotiating a contract for two books at the time of her death. Immediately after she died, and with the permission of her estate, the publisher arranged for a ghost writer to complete additional books that were published under Ms. Andrews' name. The court held that Ms. Andrews' name was property of the estate and valued the asset at over \$700,000 for estate tax purposes.

11. In *National Taxpayer's Union v. United States*, the District Court for the District of Columbia dismissed on jurisdictional grounds a broad-based constitutional challenge to a section of the Omnibus Budget Reconciliation Act of 1993 that had retroactively increased the estate and gift tax rates on certain transfers of property made between January 1 and August 10, 1993. The National Taxpayer's Union, a large non-profit organization which lobbies on tax law issues, claimed that the portion of the law at issue violated the requirement in Article I of the Constitution that any direct tax be apportioned among the states according to their populations, as well as the Due Process and Takings Clauses of the Fifth Amendment. The Government filed a motion to dismiss, and the court granted the motion holding that the Anti-Injunction Act and the Tax Exception to the Declaratory Judgment Act barred the suit.

12. In *re Pacific Atlantic Trading Co.*, the Ninth Circuit reversed the adverse judgment of the district court in a Chapter 7 bankruptcy proceeding that presented the issue of whether a priority tax claim can be denied priority in distribution solely on the ground that it was asserted in an untimely filed proof of claim. In *Pacific-Atlantic*, where the IRS filed its claim more than a year and a half late despite notice of the bar date, the bankruptcy court and the district court both had ruled that the Government's priority tax claims should be disallowed because they were filed after the "bar date" established by the bankruptcy court for filing such claims. The lower courts' rulings were in accord with the longstanding conventional view that the Bankruptcy Rules require disallowance of all such later filed claims. The Government recently adopted the litigating position that, to the contrary, the literal terms of the pertinent provisions of the Bankruptcy Code do not permit the disallowance of priority tax claims simply because they are filed after the bar date, but require that they be allowed and given their appropriate priority to the extent funds remain available for satisfaction of such claims. The issue is of great importance to the Internal Revenue Service, which is often unable to complete tax investigations or even to assert protective tax claims within the relatively short periods the bankruptcy courts typically allow for filing proofs of claim.

GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA)

In FY 1994, as part of its National Performance Review initiatives and its obligations under the Government Performance and Results Act (GPRA), the Assistant Attorney General established a Performance Management Committee composed of attorneys, administrators, and managers, to identify and develop appropriate performance indicators and measurements that would reflect accurately the mission of the Division. The performance goals and indicators identified and discussed below represent the Committee's initial determination of the goals and the data necessary to determine the extent to which these goals are met of the Division's seven Civil Litigation trial sections, the Office of Review, and the Litigation Counsel. FY 1995 will be the first year in which the Division will have the opportunity to apply the Committee's determinations to the Division's activities and assess the outcome. Thus, these indicators and measurements should be viewed as a starting point that will be refined over the course of the next several years.

Annual Performance Goals:

1. To increase by two percent each year the number of defensive litigation cases -- actions brought against the United States -- that are successfully concluded.
2. To increase by two percent each year the number of affirmative litigation cases -- actions initiated by the Tax Division on behalf of the Government -- that are successfully concluded.

3. To increase each year the ratio of funds collected by the Division in relation to the resources spent by the Division on the debt collection process.

The litigation activities of the Tax Division's Civil Trial Section, the Office of Review, and the Litigation Counsel, are divided into two categories: defensive litigation and affirmative litigation. Defensive litigation is initiated by parties other than the United States, its agencies, or officers, and is brought against the United States, its agencies, and/or officers. Affirmative litigation is litigation brought by the Tax Division on behalf of the United States, its agencies and/or its officers. Using this broad system of categorization, the Performance Management Committee has established annual performance goals for each category. Goals #1 and #2 are measured by dividing the number of cases closed in a given fiscal year in which the Division achieved at least part of its objectives by the sum of new cases received during the fiscal year and cases carried forward from prior years. The third performance goal is aimed at ensuring that taxpayers are getting a sound return for resources invested in the Tax Division.

Performance Indicators:

1. Percentage of cases brought against the United States, its agencies, and/or officers with successful conclusions
2. Percentage of affirmative litigation requested by client agencies with successful conclusions
3. Dollars collected per attorney workyear related to debt collection

	1993 Actual	1994 Actual	1995 Actual	1996 Actual
	63%	Not Available	67%	68%
	63%	Not Available	67%	68%

----- TO BE DEFINED -----

The thrust of the first two performance indicators is to measure the rate of successful conclusion of defensive and affirmative civil litigation and to permit assessments of relative annual increases or decreases in such performance. The Division is working on an effective method to define a "debt collection" measurement that will be sensitive to routing work of the Division and will eliminate distortions caused by one-time collections on major cases. As the Committee refines the measurement system to take into account case these factors and the difficulty and importance, the Division hopes to be able to provide more precise performance analyses.

External Affirmation Program Performance:

1. IRS administrative actions, including litigation referrals.
2. The type and amount of civil and appellate litigation brought by taxpayers and others under the Internal Revenue Code.
3. The enactment of legislation affecting tax law and the litigation arising under these laws.
4. Outstanding debts owed the United States Treasury.
5. The level of funding provided to the Division for personnel and other resources.
6. The level of funding provided to the IRS for personnel, the Tax System Modernization program, Compliance 2000, and other initiatives.

PROGRAM CHANGES:**Civil Litigation**

This decrease represents that share of the program reductions described in the Multi-Activity Program Changes Exhibit appearing at page B-4 which is attributable to Civil Litigation activities.

1996 Base			1996 Estimate			Increase/Decrease		
Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Pos.	365	\$32,497	Pos.	365	\$32,167	...	...	...
								(\$330)

**MANAGEMENT & ADMINISTRATION****LONG RANGE GOAL:**

To set overall policy for the Tax Division and manage the Division's human and financial resources to maximize the efficiency and effectiveness of the work carried out by the Division's trial and appellate lawyers and policy analysts, and prepare the Division to enter the 21st century

1996 Availability			1996 Base			1996 Estimate			Increase/Decrease		
Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount	Perm.	WT	Amount
Pos.	99	\$7,898	Pos.	92	\$7,997	Pos.	92	\$7,947	...	...	...
											(\$ 50)

MAJOR OBJECTIVES:

- To furnish policy guidance and direction for all litigating operations of the Tax Division.
- To foster communication and cooperation among the Division's employees.
- To provide administrative, financial, personnel, technical, information systems support, and other support services to Tax Division managers and employees.
- To review and analyze promptly proposed legislation affecting the nation's tax system.
- To fulfill responsibly the Division's administrative responsibilities under the Freedom of Information and Privacy Acts, Section 6103 of the Internal Revenue Code, and Rule 6(e) of the Federal Rules of Criminal Procedure.
- To obtain funding and programmatic resources needed to sustain the Division's litigation program.
- To maintain open lines of communication and represent the Tax Division effectively in its dealings with the Internal Revenue Service; the Department of the Treasury, including the Office of Chief Counsel, Internal Revenue Service; the Office of Management and Budget; the U.S. Attorneys' Offices; and other components within the Department of Justice.
- To maintain the EAGLE office automation network.

- To develop and support systems that enable the Tax Division to take advantage of information-sharing and systems technology while safeguarding the security of tax information.
- To implement meaningfully the goals of National Performance Review and the Government Performance and Results Act.

BASIC PROGRAM DESCRIPTION:

The Assistant Attorney General, the Executive Office staff, and the Legislation, Policy & Management Analysis Unit of the Tax Division provide leadership, policy guidance and direction, and administrative support to all components of the Tax Division. The Division's executive leadership establishes appropriate and the uniform policies involving appeals and civil and criminal tax enforcement and promotes and maintains communications with the IRS, the Treasury Department, the Office of Management and Budget, the United States Attorneys' Offices, other components of the Department of Justice, and the public. The personnel in the Legislative, Policy and Management Analysis Unit review and analyze legislative proposals that directly affect the litigating mission of the Tax Division, and prepare all legislative reports required by the Congress, the Office of Management and Budget, and the Department of Justice. Timely responses are also prepared to satisfy the requirements of the Freedom of Information and Privacy Acts.

The Administrative Section provides services relating to general administration, fiscal/budgetary controls, automated information systems technology support, personnel, and other administrative matters as required. It consists of three components: (i) the Executive Office, which provides overall control and policy guidance; (ii) the Administrative Services Staff, which is responsible for accounting and financial services, budget planning and evaluation, personnel services, (including monitoring the recruitment and hiring of Division personnel), case records and file management, procurement, and facilities management; and (iii) the Information Management Staff, which is responsible for managing and maintaining the EAGLE office automation network and for providing all other information systems technology support required by Tax Division employees, litigation support services, a personal computer resource center, and a post-litigation operation that tracks and monitors the Division's debt collection operations.

ACHIEVEMENTS:

The Tax Division's senior management remains committed to maintaining and enhancing the standards of excellence that have been the hallmark of the Division since its inception. This commitment has resulted in improved internal management controls, better budget development and execution, enhanced office automation, and successful programs to improve employee training.

The Tax Division's primary mission is to promote the uniform and equitable enforcement of the nation's tax laws. In pursuing this goal, the Division's section chiefs -- line litigation managers -- have fostered heightened cooperation with the United States Attorneys and the Internal Revenue Service. They regularly meet with representatives from these offices to develop and coordinate law enforcement initiatives and to discuss other matters of mutual concern. For example, the four chiefs of the Criminal Enforcement Sections participated in a meeting of IRS Criminal Investigation managers to explore workload priorities and trends. A byproduct of this development has been more participations by Tax Division line attorneys in the policy discussions and litigation efforts of cooperative law enforcement efforts, such as joint IRS/RSI investigations of motor fuel excise tax evasion, the Department of Transportation/Federal Highway Administration Joint Federal/State Motor Fuels Compliance Project, the Treasury Department's Tax Refund Fraud Tax Force, various health care fraud task forces, the Organized Crime Drug Enforcement Task Force and the Bank Fraud Task Force established to respond to litigation resulting from the savings and loan crisis. On the administrative side, the Tax Division has also benefited from its relationship with the IRS by meeting with the Service's financial management executives, exploring how the Service has employed activity-based cost management techniques, and exploring the feasibility of testing such a system in a litigation environment.

The Tax Division's executive, legislative, and policy personnel have participated in drafting the Division's position on a variety of issues related to the Department's operations and the regulation of its litigation environment. Thus, for example, the Assistant Attorney General has established a Line Attorneys' Committee, composed of one elected representative from each of the legal sections in the Division, that meets with her monthly and another committee of secretaries and technical personnel with which she meets periodically. Among the issues that have been addressed by these committees and in writings and policy discussions have been: the appropriate ratio between attorneys and support staff; the increased use of para-professionals; the use of administrative leave for pro bono work performed by attorneys and support staff; the taxation of travel expense reimbursements received by Department attorneys on long-term job-related assignments; proposed asset forfeiture legislation; proposals concerning whether cameras should be permitted in the Federal Courts; and guidelines for searching and seizing computers. The Tax Division also has been exploring the potential applicability of Alternative Dispute Resolution mechanisms to litigation matters.

During the past year, the Division's Office of Training continued to offer top-rate educational opportunities to managers, attorneys, other professionals and support personnel. The Training Office offers daily classes and videotaped sessions to enhance legal and technical skills. It also coordinates training mandated by the Department on such complex issues as sexual harassment sensitivity and AIDS awareness. The Office of Training provides the ethics and computer security training required by the Division of all its employees and continues to offer its successful individualized word processing training program.

In FY 1994, the staff of the Tax Division's Administrative Section continued its previous years' achievements by delivering additional services without additional funding. Among its major accomplishments were the following: (i) saving more than \$100,000 in copier costs by replacing old contracts with a reimbursable agreement with a Defense Department Consolidated Administrative Support Unit; (ii) enhancing the Division's in-house office automated litigation support unit by acquiring new optical imaging equipment; selecting and ordering new personal computers that will easily bridge to the Department's future office automation network; enhancing the Division's CP-RDM legal research library and putting it on a local area network that now serves six of the Division's seven Civil Trial Sections and that will eventually serve the entire Division; and completing a plan for space consolidation that will save the Division over \$100,000 in FY 1995. Each of these achievements allowed the Division to weather tight budget times and contributed significantly to the success experienced by the Division in the past year.

PROGRAM CHANGES:

1994 Base			1995 Estimate			Increase/Decrease		
Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Pos.	95	\$7,997	Pos.	95	\$7,947	...	...	(\$ 50)

Management & Administration

This decrease represents that share of the program reductions described in the Multi-Activity Program Changes Exhibit appearing at page B-4 which is attributable to Management and Administration.

Tax Division
Salaries and Expenses - General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Federal Appeals		Criminal Prosecution		Civil Litigation		Management & Administration		Grand Total for all Program Changes
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	
Grades									
GS-13.....
GS-11.....
Total positions and annual rate.....
Lapses (-).....
Other personnel compensation.....	..	(816)	..	(825)	..	(872)	..	(821)	(8134)
Total workyears and personnel compensation.....	..	(16)	..	(25)	..	(72)	..	(21)	(8134)
Personnel benefits.....	..	(2)	..	(3)	..	(9)	..	(2)	(16)
Travel and Transportation.....	(229)	..	(175)	..	...	(398)
GAH rent.....
Other rent.....	(1)	..	...	(1)
Printing.....
Other services.....	..	(14)	..	(21)	..	(50)	..	(17)	(110)
Supplies and materials.....	..	(2)	..	(4)	..	(11)	..	(3)	(20)
Equipment.....	..	(5)	..	(9)	..	(24)	..	(7)	(45)
Total program workyears and obligations changes requested, 1996.....	..	(822)	..	(829)	..	(1394)	..	(820)	(8721)

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Tax Division
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1995

Category	1994		1995		Streamlining Reduction	1994	
	Authorized	Reimbursable	Authorized	Reimbursable		Authorized	Reimbursable
Attorneys (995).....	202	10	279	10	(1)	270	10
Paralegal Specialists (956).....	26	...	26	...	...	26	...
Other Legal and Related (960-999).....	29	3	29	3	...	29	3
Gen. Admin. Clerical and Office Services (300-399).....	216	...	210	...	(7)	203	...
Accounting and Budget (500-599).....	16	...	16	...	(3)	13	...
Total.....	689	13	689	13	(11)	669	13
Washington.....	630	12	639	12	(11)	618	12
U.S. Fields.....	31	...	31	...	...	31	...
Total.....	669	12	669	12	(11)	649	12
							97-700-13

* Includes only the Southwestern Civil Trial Section, in Dallas, Texas, which is a permanent field office.

Note: Authorized positions reflect the cumulative effect of previous budget submissions. They do not reflect actual vacancies that are supported by budget authority enacted in any given year.

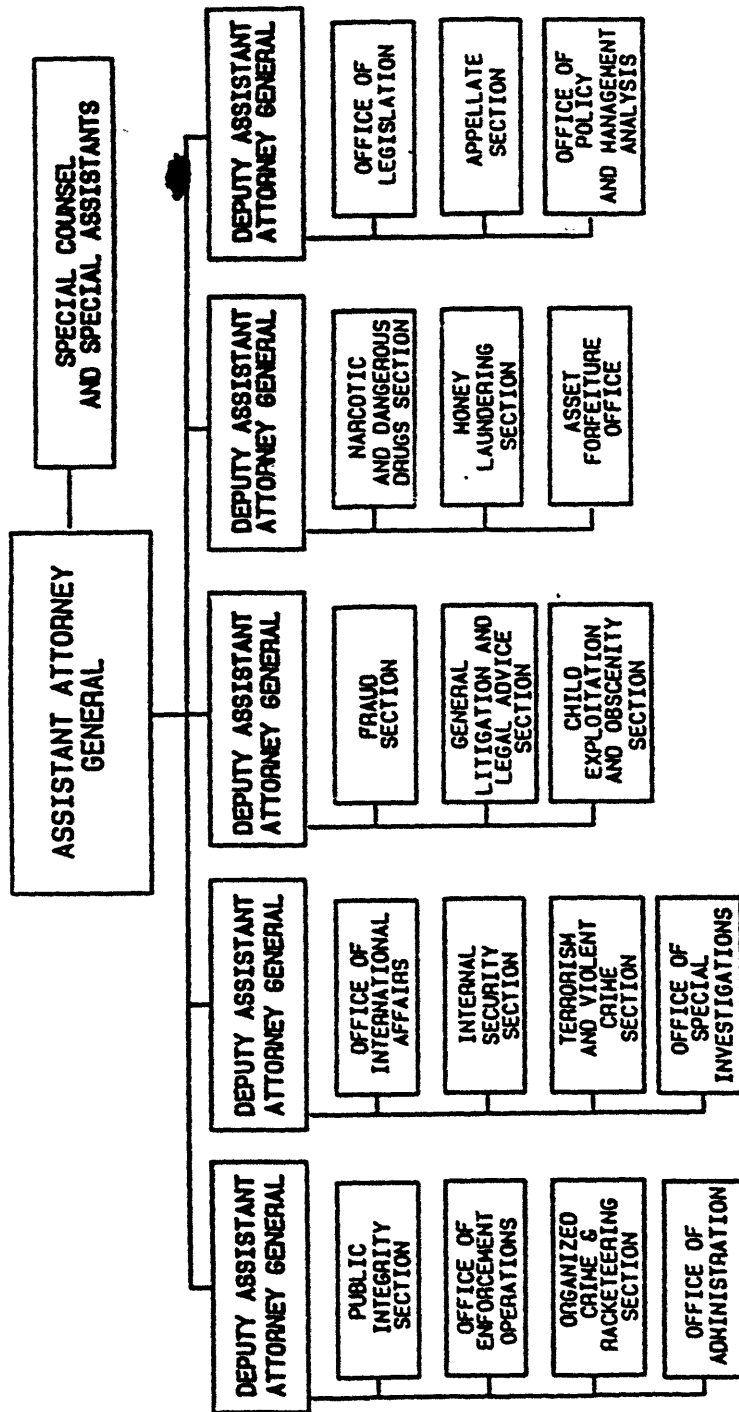
**Pay Schedule
Salaries and Benefits
Summary of Salaries by Grade and Job Class
(Dollars in thousands)**

	1994 Actual		1995 Budgeted		1995 Request		Increase/Decrease 1995 and 94	
	PSL and ST	Annual	PSL and ST	Annual	PSL and ST	Annual	PSL and ST	Annual
Grades and Salary Ranges								
Executive Level III, \$117,140.....	1	1	1	1	1	1	...	...
Executive Level IV, \$119,700.....	1	1	1	1	1	1	...	...
MS-3 \$116,310.....	16	16	16	16	16	16	...	...
MS-3 \$111,930.....	3	3	3	3	3	3	...	...
MS-2 \$106,140.....	...	...	...	...	...	...	...	...
MS-2 \$101,320.....	...	...	...	...	...	...	...	...
MS-1 \$96,500.....	1	1	1	1	1	1	...	...
GS/EM-15 \$91,610-\$97,310.....	113	113	113	113	113	113	...	...
GS/EM-15 \$86,830-\$92,530.....	87	87	87	87	87	87	...	...
GS/EM-15 \$81,930-\$87,630.....	66	66	66	66	66	66	...	...
GS-13 \$76,290-\$81,990.....	36	36	36	36	36	36	...	...
GS-13 \$71,410-\$77,110.....	3	3	3	3	3	3	...	...
GS-13 \$66,600-\$72,300.....	3	3	3	3	3	3	...	...
GS-9 \$57,790-\$63,490.....	39	39	39	39	39	39	...	...
GS-9 \$52,910-\$58,610.....	43	43	43	43	43	43	...	...
GS-5 \$48,480-\$54,180.....	36	36	36	36	36	36	...	...
GS-5 \$43,600-\$49,300.....	17	17	17	17	17	17	...	...
GS-5 \$38,720-\$44,420.....	15	15	15	15	15	15	...	...
GS-5 \$33,840-\$39,540.....	5	5	5	5	5	5	...	...
1994 pay rates.....	442	442	442	442	442	442	...	...
Total, Appropriated Positions.....	442	442	442	442	442	442	...	...
Pay above stated annual rates.....	...	142	...	142	...	142	...	142
Leave.....	(44)	(2,431)	(44)	(2,431)	(44)	(2,431)	...	...
Relief due to leave pay rates for part of the year.....	...	(135)	...	(135)	...	(135)	...	...
Other full-time permanent.....	492	16,713	492	16,713	492	16,713	...	...
Other than full-time permanent.....	...	...	...	...	...	...	...	...
Part-time permanent.....	11	894	11	894	11	894	...	...
Temporary employment.....	31	244	31	244	31	244	...	...
Other personnel compensation.....	...	...	...	...	...	...	...	...
Over time.....	6	159	6	148	6	110	...	...
Administratively uncontrollable overtime.....	...	...	...	...	...	...	...	...
Other compensation.....	...	170	...	163	...	120	...	...
Special personal services payment.....	...	...	...	...	...	...	...	...
Total, Nonpersonnel Compensation.....	630	939,490	630	939,410	630	934,971	...	...
Average MS Salary.....	...	910,540	...	916,140	...	917,716	...	...
Average GS/EM Salary.....	...	891,935	...	894,415	...	895,631
Average GS/EM Grade.....	...	10.7	...	10.7	...	10.8

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CRIMINAL DIVISION



Q.10

**Criminal Division
Salaries and Expenses
Crosswalk of 1993 Changes
(Dollars in thousands)**

	1993 President's Budget Request		Reprogramming Actions on 1993 Request		Adjustments in Perm. Pos. & Workyear		1993 Appropriation Anticipated	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Organized Crime and Narcotics	114	115	114	115	114	115	114	115
White Collar Crime	240	241	240	241	240	241	240	241
International	137	139	137	139	137	139	137	139
Litigation Support	145	149	145	149	145	149	145	149
Management and Administration	101	110	101	110	101	110	101	110
Total	737	754	737	754	737	754	737	754

Reprogramming -- This is a one-time reprogramming to the Criminal Division to fund an anticipated shortfall in OSA Rent funding. This transaction has been approved by OMB and the Congress.

The Division is also seeking approval on its reprogramming/organization proposal. The above numbers reflect the Division's current funds distribution.

Cia

Criminal Division
Summary of Resources by Program
(Dollars in thousands)

	1994 as Enacted			1994 Actual			1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount	Perm Pos	WY	Amount
Criminal Matters	116	117	\$11,498	116	114	11,923	116	115	\$12,153	109	110	\$12,575	109	110	12,575	...	...	...
Organized Crime and Narcotics	243	245	24,416	243	235	24,904	240	241	25,289	230	231	26,169	222	223	25,165	(8)	(6)	(1,004)
White Collar Crime	138	140	14,026	138	135	14,308	137	139	14,538	131	133	15,042	131	133	15,042	...	...	...
Internal Affairs	146	150	15,022	146	145	15,321	145	149	15,504	143	148	16,409	143	148	16,409	...	...	...
Legal Support	102	111	10,557	102	108	10,765	101	110	10,859	97	106	11,237	97	106	11,237	...	...	...
Management and Administration	765	764	\$75,709	745	737	\$77,221	737	754	\$78,345	710	728	\$81,432	702	720	\$80,428	(6)	(6)	(1,004)
Total	1,462	1,487	\$151,822	1,447	1,449	\$153,741	1,439	1,467	\$156,479	1,389	1,407	\$156,868	1,382	1,406	\$156,868	(59)	(58)	(2,000)
Reimbursable workyear	...	...	...	7	744	...	19	775	...	19	747	...	22	742	...	3	(5)	...
Overtime	...	...	...	2	746	...	2	715	...	2	749	...	2	744	...	0	(5)	...

**Criminal Division
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(dollars in thousands)**

	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	WY	Perm.	WY	Perm.	WY	Perm.	WY
Pos.		Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Organized Crime and Narcotics.....	114	115	12,153	109	110	12,575	109	110
							12,575	12,575

Long Range Goal: To reduce the growth of organized crime and drug trafficking and increase the number of money laundering prosecutions.

Major Objectives:

Organized Crime and Racketeering Section

To ensure the investigation and prosecution of all major organized crime groups and activities.

To use innovative investigative and litigative approaches utilizing all appropriate criminal and civil remedies against organized crime.

To set and maintain national goals, priorities and standards in joint program planning and execution by Federal, State and local agencies active in organized crime law enforcement.

Narcotic and Dangerous Drug Section

To assist the Department in fulfilling its responsibilities in the development and implementation of domestic and international narcotics law enforcement programs and policies.

To provide direct litigative support to the Organized Crime Drug Enforcement Task Force (OCDETF) and High Intensity Drug Trafficking Area (HIDTA) Programs, other multi-agency initiatives, and U.S. Attorneys' Offices in recurrent matters or as requested.

To participate, on behalf of the Department, in developing and administering cooperative drug enforcement initiatives and projects conducted by the law enforcement and intelligence communities.

Money Laundering Section

To develop national policy and strategy with respect to new and emerging trends; and coordinate responses among appropriate agencies;

To coordinate multi-district investigations and prosecutions;

To provide guidance, legal advice and assistance with respect to money laundering investigations and prosecutions to U.S. Attorneys' Offices and investigative agencies;

To develop regulatory and legislative initiatives;

To ensure, through implementation of the money laundering prosecution guidelines, the uniform application of the money laundering statutes;

To litigate complex, sensitive and multi-district money laundering cases and provide litigative assistance to U.S. Attorney's Offices and Criminal Division components;

To participate in international efforts to combat money laundering, including the 26-nation Financial Action Task Force, Organization of American States/CICAD and the Caribbean Financial Action Task Force;

To develop, use and teach new investigative and prosecutive techniques;

To identify new trends and typologies in money laundering; and

To provide training materials and conferences for Departmental attorneys and law enforcement personnel.

Rasa Program Description:

Organized Crime and Racketeering Section

Program resources are directed at those organized crime groups, whether La Cosa Nostra (LCN), Sicilian Mafia and related Italian-based groups, Asian organized crime, Russian and East European organized crime, or other emerging groups, which pose the greatest threat to the economic and social well-being of the nation.

Under the National Organized Crime Strategy, the chief priority is La Cosa Nostra activity and affiliated labor racketeering, followed by emerging organized crime groups: Italian-based organized crime groups (including the Sicilian Mafia, 'Ndrangheta and Camorra), Chinese, Japanese, and other Asian organized crime groups, and Russian and East European crime groups. Other emerging organized crime groups are addressed by other Department initiatives or, in exceptional circumstances, by organized crime program resources as conditions permit. Quality control and compliance with Department prosecutorial policies and procedures are guaranteed by the prosecution memorandum approval process and continuous supervisory contacts. Program priorities are set through the Attorney General's Organized Crime Council and implemented by the Organized Crime and Racketeering Section, which complements the extensive interagency communication in the field on case-related matters with regular assessments of local program effectiveness in each Strike Force city and in Washington, D.C.

The Organized Crime and Racketeering Section has primary responsibility for coordinating the efforts of Organized Crime Strike Force Units located within United States Attorneys' offices in 23 cities where the threat from organized crime groups currently is deemed the most serious. Each Strike Force Unit submits proposed case initiatives and prosecution recommendations to the Organized Crime and Racketeering Section for approval. Through the Case Initiation Report approval mechanism, management regulates the application of national priorities. The supervisory officials of the Section review and approve all Strike Force Unit Case Initiation Reports, prosecution memoranda, and indictments; requests for electronic surveillance orders; witness immunity orders; and all other substantive and procedural matters relating to the conduct of investigations and prosecutions in organized crime cases. In addition, the Chief, Deputy Chiefs, and other Headquarters personnel carry out extensive oversight of Strike Force Unit activities through field visits to each Strike Force Unit.

In addition to its function as the central coordinating office for the Department's national organized crime program, the Organized Crime and Racketeering Section has a strategic reserve of experienced prosecutors to try labor racketeering, RICO, and other organized crime cases wherever needed. These lawyers serve to complement the Strike Force Units and provide expertise to those units and other United States Attorneys' Offices that are prosecuting organized crime cases. The attorneys are principally used to litigate organized crime cases in the seventy districts that do not have Strike Force Units, and in those districts where those units are very small. They also help the larger Strike Force Units when special subject expertise or emergency assistance is required. In addition, these lawyers are available to identify and to target emerging criminal organizations and to develop new methods of prosecution.

The Organized Crime and Racketeering Section also provides staff, as necessary, to the Attorney General's Organized Crime Council (AGOCC), which was established in 1990 to oversee the national effort against organized crime. That Council is chaired by the Deputy Attorney General and consists of the Assistant Attorney General, Criminal Division; the Chair of the Attorney General's Advisory Committee (AGAC); and the head of each concerned Federal investigative agency. The AGOCC reviews policies, promotes interagency coordination, reviews priorities, and evaluates the threat presented by emerging organized crime elements in order to establish national priorities and to memorialize a national

strategy to combat organized crime.

The Organized Crime and Racketeering Section is required to issue a biennial report to the Organized Crime Council on the status of the Strike Force program. The challenge facing law enforcement today is to sustain our pressure on the La Cosa Nostra and, at the same time, prevent emerging organized criminal groups from acquiring a power base. Organized crime in the United States today is a complex tapestry of multiple groups supported, wittingly or unwittingly, by numerous protectors, specialists and associates. In offenses where traditional organized crime families are involved and in cases where emerging groups participate in multiple crimes besides narcotics, the Criminal Division's Organized Crime and Racketeering Section will provide guidance, support, and a strategic reserve of experienced prosecutors to complement the United States Attorneys and the Strike Force Units in those offices. The Section's coordination of national projects regarding Asian organized crime, for example, will increase as we continue to gain more expertise in this area of growing concern.

Finally, in addition to its responsibilities for coordination and direct handling of organized crime investigations and prosecutions, the Section has numerous responsibilities arising from its supervisory authority over various general racketeering and labor-racketeering statutes. These duties are handled by two specialized groups of attorneys within the Section, the Labor-Management Unit and the RICO Unit.

As liaison to other Federal agencies with enforcement and regulatory responsibility in regard to labor and pension-welfare matters, the Labor-Management Unit coordinates the Department's effort with other Federal agencies to implement recommendations made by the President's Commission on Organized Crime and has drafted legislation which would enact into law several of the Presidential Commission's proposals and three new statutory initiatives with respect to labor-management racketeering. The Unit also coordinates and monitors on behalf of the Criminal Division the agency-wide appointment of the Labor Department's labor racketeering investigators as special deputy United States Marshals.

In addition, abuses involving organizations which purport to provide insurance-type benefits to small employers seeking to lower their employee health care costs (MEWAs) have confronted prosecutors with novel issues concerning the scope of the Federal laws governing employee benefit plans. Such prosecutions have been classified as matters for enhanced prosecutive priority as part of the Department's program against abuses in the insurance industry. Attorneys assigned to the Labor-Management Unit closely monitor and have participated directly in prosecutions regarding these issues. The heightened awareness of abuses in the benefit plan industry has resulted in requests to Unit attorneys for increased participation in investigative training programs conducted by the Department of Labor for its labor racketeering and pension-welfare investigators.

The Section's RICO Unit is responsible for detailed review of each of more than 100 proposed RICO prosecutions submitted by United States Attorneys each year. These cases are not limited to organized crime; many involve matters such as narcotics trafficking, political corruption, complex white-collar fraud, and international terrorism. The Section's

attorneys spend considerable time going over each such submission in order to ensure that any approved RICO indictment meets all applicable legal and policy standards of sufficiency. These attorneys also act as the Department's central repository of information about RICO, a very powerful statute which has attracted great controversy in the press, the private defense bar, and in Congress over the past 10 years or more. Section attorneys monitor all legal developments with the statute, and analyze the numerous legislative proposals that are introduced during each term of Congress to alter the statute in some significant ways. In addition, several attorneys from the RICO Unit travel to handle cases in the field in order to provide expertise in racketeering prosecutions to trial teams. This unit also provides review and advice with respect to several other often-used statutes, including Violent Crimes in Aid of Racketeering Activity, 18 U.S.C. 1959, the Travel Act, 18 U.S.C. 1952, and the Extortionate Credit Transactions (loansharking) statutes, 18 U.S.C. 891-894. Finally, the expansion of legalized gambling throughout the United States has led to a substantial workload in requests from Federal and state law enforcement authorities for opinions with respect to the application of Federal criminal statutes involving gambling, including the lottery statutes, the gambling machines statutes, and the Gambling Ships Act.

Narcotic and Dangerous Drug Section

The Narcotic and Dangerous Drug Section (NDDS) is comprised of the Section Chief and Special Counsel and three separate units: the Litigation Unit, the Policy Unit and the Drug Intelligence Unit. In addition to providing leadership and management to the Section, the Section Chief also serves as a designated representative of the Department on several senior-level joint committees of the Intelligence and law enforcement communities to plan and coordinate joint international counternarcotics initiatives. In addition, the Section Chief serves as the designated representative of the United States Government in the implementation of the joint U.S.-Republic of Colombia evidence sharing initiatives, intended to facilitate the successful investigation and prosecution of major Colombian narcotics traffickers in Colombia. The Special Counsel provides support to the Section and the Division by serving as the Department's designated focal point for certain specified initiatives such as the Presidential-directed reviews of U.S. international counternarcotics policies and programs and the national policies relating to telecommunications and encryption. The Special Counsel also serves as the Legal Counsel for the National Drug Intelligence Center. The Litigation Unit is responsible for providing direct litigation support to the United States Attorneys throughout the country with emphasis on providing support to the ODETF and the HIDTA Programs. Attorneys in the Policy Unit draft and comment on domestic and international narcotics legislation, strategies and statements of policy addressing topics such as precursor and essential chemical control, anabolic steroids, drug paraphernalia, domestic marijuana cultivation, and mandatory minimum and death penalty statutes. The Policy Unit also participates in proposing amendments to the Department's Sentencing Guidelines Committee by drafting and commenting on proposed amendments to the federal sentencing guidelines. In addition, Policy Unit attorneys review requests from U.S. Attorneys for authorization to seek the death penalty in controlled substances cases and recommend appropriate action by the Attorney General. Policy and Litigation Unit attorneys litigate the appeals arising from cases prosecuted by Section attorneys and appeals of denials or revocations of licenses and registrations by the Administrator of the Drug Enforcement Administration. Attorneys in the Drug

Intelligence Unit administer the U.S.-Colombia Evidence Sharing Project and are also responsible for program management and the resolution of legal issues relating to the use of certain classified technologies in narcotics trafficking investigations.

Money Laundering Section

The world of money laundering has changed dramatically since the adoption of the Vienna Convention in 1988 and the Financial Action Task Force's (FATF) 40 Recommendations in 1990, and indeed since the Section's creation in May 1991.

Money laundering (narcotic and white collar) is rampant throughout the world and is a serious national security threat. Money laundering is the epitome of the internationalization of crime. As such, it is particularly insidious not only for its ability to ensure the viability of domestic and international criminal organizations, but for its potential to destabilize and corrupt the institutions of countries through which the laundering occurs.

The Money Laundering Section's mandate was to vigorously attack the worldwide money laundering epidemic, working with the entire spectrum of law enforcement and regulatory agencies and using an interagency, interdisciplinary and international approach. Recognizing that money laundering is the epitome of the "internationalization" of crime, we have attempted to be creative in our approach to the problem.

Money laundering is the method by which criminally derived proceeds or instrumentalities are introduced into legitimate commerce, and thus lose the indicia of their true origin. The process of money laundering may be divided into three stages:

- Placement: the physical disposal of bulk cash profits, for example, by sauried deposits into a bank account of the proceeds of the specified unlawful activity;
- Layering: the piling on of layers of complex financial transactions, for example, wire transfers to separate the proceeds from their illicit source; and
- Integration: the provision of a legitimate appearing explanation for the re-introduction of the proceeds into legitimate commerce.

In responding to the Section's initial mandate, and to the world of money laundering, the MLS's goal has been to develop an international strategy to combat all forms of money laundering. Our efforts have been interagency, interdisciplinary and international. We have addressed all forms of money laundering because the same techniques are used regardless of whether the proceeds are derived from drugs, white collar crime or proliferation.

We have developed a multi-pronged strategy. Our approach has sought flexibility, recognizing regional variations in the way money is laundered and the differences in our ability to collect and share intelligence and influence governments and financial sectors. We coordinated with the law enforcement agencies, the State Department, the intelligence community and other countries.

We have worked with all law enforcement agencies, e.g., we have worked closely with the Postal Service to deny launderers the use of our postal money orders as a laundering mechanism. We have assisted in coordinating multi-district undercover money laundering investigations, both drug and nondrug-predicated; we have created, amended and, most importantly, enforced, Department-based money laundering guidelines to ensure the judicious development of the statutes; we have written and the Congress has passed anti-money laundering legislation; we have published the best money laundering training manuals in existence, and for the past three years have presented and instructed the most sought-after federal training; we have created an extensive international money laundering library, comprised of over 100 country/regional books which reflect the state of money laundering in that country and or region; we have attended and/or prepared briefing papers for numerous bilateral and multilateral meetings outlining money laundering concerns and issues; and have worked daily with the field on money laundering issues.

Recently, at the Summit of the Americas, we have seen, as well, a heightened awareness of the money laundering problem within our own Hemisphere. In the Summit of the Americas Declaration of Principles and Action Plan, the participants expressed a commitment to press the battle against money laundering. In the Summit Plan of Action, the participants agreed to several important specific action items relating to money laundering, including Inter-Alia commitments to ratify the Vienna Convention, to criminalize the laundering of the proceeds of all serious crimes, to enact legislation permitting the freezing and forfeiture of the proceeds of money laundering, to implement the recommendations of the Caribbean Financial Action Task Force on Money Laundering ("CFATF") and the Model Regulations of the Inter-American Commission on Drug Abuse Control ("CICAD"), to encourage financial institutions to report suspicious transactions, and, most important, to hold a ministerial conference (preceded by a working-level conference) to study and agree on a coordinated response.

With the Summit of the Americas Plan of Action, the U.S. Government has before it a an opportunity to influence the anti-money laundering programs in the hemisphere. As the Summit Action Plan states:

Drug lords and criminal organizations endanger the security of our people through corruption, intimidation and violence. While drug trafficking continues to be a significant source of illegal funds, the money laundering industry increasingly deals with the proceeds of all types of criminal activity.

In order to effectively address this problem, anti-money laundering efforts must remain multi-dimensional, and include law enforcement and financial regulators, diplomatic and intelligence initiatives, as well as cooperation and participation with the private financial sector.

The MLS, in FY 1994, in conjunction with the Attorney General's Advocacy Institute, sponsored three (two basic and one advanced) training conferences on money laundering and related issues. During FY 1994, the Section trained some 360 Assistant U.S. Attorneys and agency personnel, and provided training to the investigative agencies and the international community. The Section trains at FBI in-services, as well as participates at outside bar association and banking association conferences at which we discuss Department policies.

The Section has published the Money Laundering Federal Prosecution Manual, which it updated in June 1994, a quarterly newsletter which was distributed to law enforcement nationwide, a Money Laundering Directory of government experts, as well as an August 1993 compilation of money laundering statutes and related materials. In December 1993, the Section published three white collar money laundering monographs, covering the laundering of the proceeds of bankruptcy fraud, insurance fraud and health care fraud.

Accomplishments

Organized Crime and Racketeering Section

Since the beginning of FY 1993, the program supervised by OCRS has continued to achieve outstanding successes against traditional organized crime (La Cosa Nostra or LCN), as well as Italian-based crime groups and Asian crime groups operating in the United States. For example, the Newark Strike Force convicted Genovese family acting underboss Salvatore Lombardi, who was sentenced to almost 22 years in prison. The Strike Force also convicted Colombo family acting boss Victor Orena, along with capos Pasquale Aalto and Michael Sessa, all of whom were sentenced to life in prison; Joseph Corrao, a captain in the Gambino family; and Lucchese family acting boss Anthony Baratta. They obtained indictments against Lucchese family underboss Anthony Casso, Genovese family boss Vincent Gigante, Gambino family acting boss James Failla, Bonanno family acting boss Salvatore Vitale, and Detroit LCN street boss Vito Giacalone. In addition, the Strike Force Units have convicted or indicted numerous other capos, consiglieres, hitmen, and other major targets. Several other major indictments are expected in FY 1994 and thereafter. However, although we have made major inroads against the mob over the past several years, the major families continue to "make" new members every year, at a rate faster than we can prosecute them with our current resources. We need to maintain the pressure that we have established, in order to prevent a resurgence of the LCN's former stranglehold on whole industries, such as the construction industry in New York City. We also need to increase the pressure on Italian-based groups, which are operating in increasing numbers in major cities as well as less-populated areas, dealing mostly in large-scale narcotics importation and money laundering. OCRS currently is coordinating a major project designed to identify and prosecute the principal representatives in this country of the three major Italian crime groups, the Sicilian Mafia, the Camorra, and the 'Ndrangheta. In April 1993, the Tampa Strike Force Unit obtained RICO indictments against 25 individuals identified as members or associates of these groups.

With respect to Asian crime groups, the second priority area of the Department's organized crime program, the Strike

Forces have obtained convictions of members of the 14K Triad Chinese organized crime group in Los Angeles, and have prosecuted members of the Wo Hop To Triad in San Francisco. A major case against a Japanese subject charged with money laundering is pending in Las Vegas. The Strike Forces have several major Asian organized crime investigations in progress. In addition, OCRS is coordinating national efforts to target particular problem areas, such as large-scale smuggling of illegal aliens by Chinese organized crime groups, through measures such as the establishment of task forces, the publication of monographs, and the proposing of new legislation. Organized crime prosecutors in the Southern District of New York obtained an indictment charging 18 defendants comprising the leadership of the Fuk Ching Gang, a violent Chinese gang that was heavily involved in smuggling illegal aliens into the United States, charging fees of approximately \$30,000 per alien and engaging in extortion and other acts of violence to collect the smuggling fees.

Also in FY 1993, OCRS, through its Litigation Unit, directly handled numerous investigations and prosecutions. The Section obtained numerous convictions in a series of major narcotics cases in Philadelphia and New Orleans, among others, and is conducting major investigations in several districts, most notably a civil RICO investigation of national scope against organized crime members and others who infiltrated an international union. That case is expected to be brought in FY 1994. It should be noted that the Litigation Unit has continued to expand its activities despite the inability to hire up to its full strength of 20 attorneys as mandated by the Attorney General's order merging the Strike Forces; as of January 1994 the unit had 12 attorneys.

Since the President's Commission on Organized Crime issued its report on labor-management racketeering in March 1986 and recommended greater use of civil RICO, 14 such lawsuits have been brought by the Department of Justice which seek to remove La Cosa Nostra-corrupted parties to labor-management relations. Continuing the Section's successful supervision of the civil RICO program, in ten of those lawsuits, trustees or monitors have been installed to supervise elections of new labor union officers and to oversee the affairs of labor organizations, including the International Brotherhood of Teamsters, the largest labor union in North America. Headquarters and Washington Staff personnel regularly confer with the court-appointed Investigations Officer concerning continuing efforts to remove the influence of organized criminal elements from the Teamsters Union.

Narcotic and Dangerous Drug Section

The Litigation Unit is responsible for providing direct litigation support to United States Attorneys (USAs) throughout the country. On request, trial attorneys from NDPS are assigned investigations or pending cases and assume either shared or sole responsibility for the designated litigation. This includes cases from which the United States Attorney's Office (USAO) has recused itself. In selecting how best to use the Section's litigation resources, emphasis is given to supporting the ODETF and HIDTA programs and other multi-agency initiatives. Related to the direct support of litigation is the Section's centralized coordinating role in large scale multi-district, multi-agency investigations. In this capacity, the Section ensures that critical litigation decisions are made on a collective basis and that all strategic and tactical interests are reconciled and coordinated. Recent examples of this function are the successful

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coordination of Operation Polar Cap and several on-going task force or liaison efforts. The Section has also identified several specialized areas of drug prosecution - including anabolic steroids, drug paraphernalia, and precursor and essential chemical cases - in which Litigation Unit attorneys serve as a strategic reserve. These trial attorneys maintain a concentrated depth of knowledge and expertise in these areas and their availability to the field is designed to increase the number and effectiveness of prosecutions in these emerging areas of the law.

During the past year, NDDS continued to participate aggressively in drug-related litigation throughout the country. One standout example is *United States v. Saccoccia*, a case tried in the Central District of California involving one of the largest money laundering operations ever to be identified in the United States. The Saccoccia Organization is alleged to have laundered over \$135 million in illicit drug trafficking proceeds during a 2 1/2 year period. This three month trial resulted in the conviction of three defendants. The lead defendant in early 1994. Litigation Unit attorneys also participated in the trial of a case in the Southern District of Texas, in which 11 defendants were charged with smuggling tens of thousands of kilograms of cocaine during an eight year period. This case, *United States v. Rosada-Rios*, was the culmination of a two year investigation. This six month trial resulted in the conviction of all defendants on all counts. Simultaneously, and in the same District, Litigation Unit attorneys supported another multi-defendant, multi-count prosecution involving a large scale marijuana and cocaine smuggling organization that operated in South Texas. This two week trial resulted in the conviction of all defendants on all counts. The lead defendant in this case -- *United States v. Guerra* -- received a mandatory life sentence. Finally, as an example of the diversity of our case load, the Section prosecuted a "gang" case in Omaha, Nebraska. In *United States v. Johnny Ray Butler, et al.*, the government convicted eight defendants who had been charged with a variety of drug and money laundering offenses, including CCE, all stemming from a wholesale crack distribution network operated primarily in Omaha. The U.S. Attorney for the District of Nebraska had requested support in the investigation and prosecution of gang-related drug trafficking activity in his district. Over the last several years, Los Angeles-based gangs ("Bloods" and "Crips") have invaded Omaha and the surrounding area, bringing to Nebraska the kind of criminal activity ordinarily associated with major urban areas. To deal with this complex problem, the United States Attorney formed a task force of federal, state, and local agents and prosecutors. NDDS responded to the U.S. Attorney's request for assistance by sending two trial attorneys to review the investigative case files and prepare the most significant cases for indictment and trial. The Butler case was indicted and tried by an NDDS trial attorney as part of this effort. Two of the lead defendants were sentenced to life terms--the first such sentences ever imposed by the District of Nebraska judge. A second gang case was indicted and tried by a second NDDS trial attorney. This case resulted in the conviction of eight defendants.

The Policy Unit, along with the litigation trial attorneys as available, responds on a daily basis to questions and inquiries relating to substantive, procedural and policy matters. This function primarily serves the United States Attorneys and their assistants. In addition, the Policy Unit provides its assessment and opinion of the significance of the narcotics-related activities in electronic surveillance, witness immunity, and witness protection program requests made by the U.S. Attorneys' Offices. The Policy Unit also participates in the Department's Sentencing Guidelines Committee, providing in-depth analyses to the U.S. Sentencing Commission on proposed amendments to the guidelines.

Attorneys assigned to the Policy Unit review and offer the first level evaluation and recommendation of U.S. Attorney requests for authorization of the Attorney General to seek the death penalty in controlled substances-related homicide cases, pursuant to 21 U.S.C. § 848(e). The Section presented a two-day seminar on the federal prosecution of death penalty cases. Presenters included attorneys from the Office of the Solicitor General and Criminal Division, and Assistant U.S. Attorneys who had tried death penalty cases. Attendees included Criminal Division attorneys, AUSAs from offices that have tried death penalty cases and from offices with authorized death penalty cases pending or anticipated. The Policy Unit attorneys have compiled resource materials to aid federal prosecutors in the trial of these cases. Policy Unit attorneys provide support to and also serve as the points of contact for the Department in certain major prosecutions in the Districts, including *United States v. Manuel Antonio Noriega* (S.D. Fla.) and *United States v. Alvarez-Machain and Zuno-Acega* (C.D. Cal.). The Policy Unit publishes a variety of monographs and handbooks to aid state, local and federal prosecutors and law enforcement agencies. Recent publications and those in progress include: monographs on drug paraphernalia prosecutions; diversion of controlled substances by medical and pharmacy professionals; Controlled Substances and Chemical Diversion Trafficking Acts; the Continuing Criminal Enterprise statute and the narcotics-related death penalty provisions.

Attorneys assigned to the Policy Unit prepared a "Manual for Compliance with the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances," that has been distributed to all U.S. missions abroad. The Manual gives an overview of the Articles of the Convention, outlines the elements and rationales underlying conforming legislation and offers model legislation. NDDS receives frequent requests for the Manual, as well as requests for guidance to assist foreign governments in drafting and enacting legislation and regulations to implement the major substantive portions of the United Nations Convention (1988 U.N. Vienna Convention).

Attorneys and the senior policy analyst assigned to the Drug Intelligence Unit serve as the contact point when information gathering efforts of the intelligence community overlap with domestic investigations and prosecutions. Personnel assigned to the Unit, along with a Section attorney assigned to the U.S. Embassy, Bogota, also represent the Division and Department in the implementation of the cooperative evidence sharing arrangements between the United States and the Republic of Colombia to facilitate the effective investigation and prosecution of major Colombian traffickers in Colombia. To date, comprehensive evidence packages have been assembled and transmitted to special narcotics prosecutors in Colombia in approximately 50 separate cases, and Colombian prosecutors have deposited witnesses in the United States, coordinated by the Unit, on several occasions. In May 1993, NDDS presented a comprehensive week-long U.S./Colombia prosecutors Training Seminar to approximately 15 Colombian narcotics prosecutors whose responsibilities include the investigation and prosecution of the leaders of the Medellin and Cali Cocaine Cartels. The Seminar included a comparative law segment, as well as a detailed analysis and explanation of actual evidence packages pertaining to the cases for which the Colombian prosecutors are responsible in order to acquaint them with the basic principles of U.S. evidence and procedure and to provide them with an appreciation of the significant probative value of the evidence that was being provided to them.

Money Laundering Section

Wire Transfer Initiative: The MLS spearheaded an effort, both domestically and internationally, to change the way the financial community accounts for money that is moved through the world's wire transfer and message systems. These efforts have included changing the content of wire transfers and making them more accessible. As a result of our efforts, the G-7's Financial Action Task Force and the private Society for Worldwide Interbank Financial Telecommunications (S.W.I.F.T.) took action which impacts FATF's 26-nation membership, S.W.I.F.T.'s 2185 member banks in 103 countries, and finally through the U.S. federal regulators, the 27,435 federally regulated financial institutions in the United States.

The MLS significantly participated in Treasury's rules making process which produced regulations mandating that certain wire transfer information travel with the wire transfer throughout all stages of the transfer. These interagency efforts have resulted in the promulgation of regulations in December 1994 which, for the first time, mandate that certain categories of information concerning the originator and the beneficiary of domestic and outbound international wire transfers be obtained and retained not only by both the originating and beneficiary financial institutions, but at all stages of the wire transfer.

We have pursued with the Federal Reserve Board technical wire transfer formatting issues which, when implemented, will enable all of the data inputted onto the S.W.I.F.T. and the New York Clearinghouse Interbank Payments System (CHIPS) systems to be "mapped" onto the Fedwire message.

The MLS put together an innovative program with the Federal Reserve which provides improved access for the 94 United States Attorneys and the law enforcement agencies to Fedwire's data bank of wire transfers.

The MLS represented the Department at meetings of the Senate's Office of Technology Assessment which is looking into identifying, on the macro level, indicators of suspicious transactions in the area of wire transfers.

Money Order Initiative: The use of postal money orders as a means of laundering proceeds and removing them from the United States, without detection, is a major tool employed by the cartels and other international operations. The MLS has worked closely with the Postal Inspection Service to develop a mechanism to identify and curtail the international use of postal money orders and other commercial money orders as a means of money laundering.

Proposed Sentencing Guidelines Amendments: In 1993, the MLS prepared materials for, and appeared before, the U.S. Sentencing Commission, whose staff had proposed in the 1993 amendment cycle (and re-submitted for consideration in the 1994 amendment cycle) severely reducing the sentencing guidelines for 18 U.S.C. §§ 1956, 1957 money laundering offenses. The Department of Justice vigorously opposed the proposal. The Commission failed to garner sufficient votes in 1993 to recommend the staff proposal. In 1994, the MLS responded again, and no changes occurred.

IEEPA Initiative. The MLS has worked to develop a methodology to investigate and prosecute sanctions violations of the International Emergency Economic Powers Act (IEEPA) using the money laundering statutes. We have worked with the components on this initiative.

International Undercover Operations: The MLS was substantially involved in the resolution of coordination issues between Justice and Treasury law enforcement agencies in the area of international drug money laundering undercover operations. The Chief was one of the principals involved in the negotiation of the new Justice/Treasury Memorandum of Understanding which establishes a mechanism for coordinating international drug money laundering undercover operations.

Bank Secrecy Act (BSA) Cooperative Efforts. The MLS has worked closely with Under Secretary of the Treasury (Enforcement), the Financial Crimes Enforcement Network and the Office of the General Counsel to ensure that BSA initiatives will continue to improve law enforcement's ability to have and obtain adequate financial data on which to predicate money laundering investigations and prosecutions. The MLS sits on subgroups of the BSA Working Group, and the Chief of the Section sits on the statutorily created BSA Advisory Group, which met three times in 1994. Likewise, the MLS is working with Treasury to detect vehicles used for the laundering of criminally derived proceeds such as through nonbank financial institutions, and is exploring the use of domestic "payable through" accounts drawn on their correspondent accounts by foreign financial institutions on behalf of its customers.

The MLS also has participated in the following Department of Justice working groups: Insurance Fraud Working Group, Health Care Fraud Working Group and Asset Forfeiture Working Group.

International Initiatives

FATF The Department of Justice, through its MLS Chief, has participated, and continues to participate, in the 26-nation FATF. The FATF remains the preeminent international anti-money laundering organization as it seeks to address the world's legal and regulatory anti-money laundering frameworks.

The achievements of the FATF to date include:

- the issuance of The 40 Recommendations, which are becoming the world-wide standard for money laundering legislation, and interpretive notes on shell corporations, identifying beneficial ownership of accounts, undercover operations, bureaux de change, non-bank financial institutions and other matters;
- the historic agreement by FATF members to participate in mutual evaluations of the progress of anti-money laundering measures implemented by member countries. All 26 FATF countries

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including the United States now have submitted to an FATF evaluation (the MLS Chief and Deputy Chief, on behalf of the U.S., participated in the mutual evaluations of The Netherlands and Hong Kong, respectively). The MLS Chief will conduct another evaluation in March 1995;

- significant work on identifying and curbing the international use of shell corporations and other legal entities where the true beneficial owners are hidden or obscured;
- continued emphasis on the use of non-bank financial institutions such as bureaux de change and the use of insurance and securities agencies for money laundering;
- proposals on the international use of controlled deliveries;
- review and description of international money laundering methods; and
- continued pressure on the international community to ensure adequate content (originator and beneficiary information) in the domestic and international wire transfer and message systems.

Summit of the Americas: The MLS drafted an Action Plan on money laundering which was adopted into the Declaration of Principles for the Summit, which took place on December 9-10, 1994 in Miami. One of the ideas included in the Summit Action Plan was a Hemispheric Ministerial Conference (preceded by a working-level conference) to address money laundering. The MLS is working on an interagency level to implement the Action Plan.

Organization of American States ("OAS"): The MLS has been actively involved with the OAS in an initiative to develop and implement model money laundering and asset forfeiture legislation which could be used as a blueprint for OAS member countries to adopt. During 1991-92, a 13-nation group of experts, including a delegation from the United States led by the MLS, drafted the Model Regulations Concerning Laundering Offenses Connected to Illicit Drug Trafficking and Related Offenses. These regulations consist of 19 articles which provide the statutory basis for a comprehensive anti-money laundering enforcement program, in a format which is designed to fit into an international cooperative framework. These model statutes were adopted by CICAD on March 10, 1992. On May 22, 1992, at its annual General Assembly meeting in Nassau, the OAS unanimously approved the model legislation and recommended that it be enacted by the 34 OAS member nations.

Through a series of regional conferences over the past two years, the OAS has been working to encourage its member countries to adopt this model legislation as part of a cooperative effort to combat money laundering. The first conference was held in Santiago, Chile, in December 1992, and was attended by representatives from Argentina, Bolivia, Brazil, Chile, Paraguay, Peru and Uruguay. Representatives from MLS, AFO and OIA attended this conference. In May

1993, MLS led the U.S. delegation to the second OAS conference in Panama. This conference was attended by representatives from 11 Central and South American nations including Colombia, Ecuador, Venezuela and Mexico. The third conference was held in Martinique in January 1994, and was attended by representatives of 11 Caribbean nations including Bermuda, Jamaica, Martinique, Barbados, and the Bahamas. Additionally, representatives of the UNDCP, France and the U.S. attended with the MLS taking an active part in the conference.

Currency Exchange Agreements. The MLS has participated in bilateral negotiations to adopt Money Laundering Information Exchange Agreements (previously known as Kerry Agreements) with South American countries (Peru, Colombia, Ecuador and Paraguay). In 1994, we participated in one such agreement negotiated with Mexico.

Legislation

The MLS worked with Treasury to craft important legislation concerning money laundering, the Money Laundering Suppression Act of 1994, signed into law on September 13, 1994. Among other items, this bill overturns the Supreme Court's adverse decision in Ratzlaf v. United States, and requires federal registration of money exchangers and transmitters. This type of nonbank financial institution poses a significant international problem.

Training and Publications

Domestic

Since the Fall of 1991, the MLS has co-sponsored, with AGAI, ten nationwide money laundering conferences -- including two advanced conferences. During this period, we have trained 1200 Assistant United States Attorneys, FBI, DEA, ATF, Customs, IRS, Secret Service, Postal Service and INS agents, as well as Departmental attorneys from the Criminal Division, Tax Division, Environmental and Natural Resources Division and the Immigration and Naturalization Service. These conferences consistently were the most sought after by participants in the Attorney General's Advocacy Institute.

MLS attorneys have given training and presentations to the following: FBI, DEA, Customs, Secret Service, Intelligence Community, Federal Financial Investigations Examinations Council conferences, the NAAC, the AGAC, various United States Attorney's Offices, the FINECEN Southwest Border conferences, the American Bar Association and American Bankers Association conferences, OCDETF meetings, Environmental Crimes Section of the Department, OPDAT for Division attorneys, FLETC, the ABA, the Georgetown University Law Center presentations, and the New York Clearing House.

June 1994 revision and republication of the 123-page Chapter Three: 18 U.S.C. §§ 1956, 1957, of the June 1992 two-volume Federal Prosecutor Manual: Money Laundering. The appendix also catalogues all money laundering predicates.

The MLS published two Section quarterly newsletters from January through August 1994 the Money Laundering Monitor, which

canvassed recent case law, legislative developments, and domestic and international anti-money laundering initiatives. The Monitor was mailed out to over 700 law enforcement recipients nationwide.

The MLS prepared initial analysis for the field on the adverse Supreme Court decision in Ratzlaf v. United States, 114 S.Ct. 655 (1994). The analysis included new jury instructions based on that decision.

International

The MLS has met bilaterally with representatives of the following foreign countries to discuss money laundering issues: United Kingdom, Australia, Malaysia, Costa Rica, Panama, Guatemala, Zimbabwe, Ecuador, Thailand, Mexico, Switzerland, Kenya, Venezuela, Santo Domingo, Netherlands, Russia, Korea, Italy, England, Indonesia, Armenia, Hong Kong, Paraguay, Portugal, Czech Republic, Brazil, Belgium, Colombia, Peru, Ecuador, Ghana, Canada, Ireland, Scotland, Ecuador, Nicaragua, Hungary, Singapore, El Salvador and France.

The MLS has prepared comprehensive money laundering Talking Points for the Attorney General, Deputy Attorney General and Assistant Attorney General in multilateral international meetings (such as TREVI and its successor, the 1994 Summit of the Americas and the 1994 Naples Organized Crime Conference), and in bilateral meetings involving Mexico, Korea, Thailand, China, Hong Kong, Taiwan, Germany, Switzerland, Austria, Denmark, Great Britain, Spain, Italy, Russia, France, Belgium, the Czech and Slovak Republics, Poland, Hungary, Greece, the Netherlands, and Canada.

At the request of the USA, the Chief has made presentations in several Worldnet TV Dialogue Programs aired to Central and South American countries.

The MLS served as the initial focal point for the Criminal Division's response and comments to the money laundering section of the State Department's International Narcotics Control Strategy Report issued yearly.

The MLS has created an extensive library of materials covering over 100 countries and regions which provides information concerning that country's money laundering enforcement efforts, regulations, statutes, and other relevant information.

MLS attorneys have participated in international anti-money laundering training conferences sponsored by the FATF, Caribbean FATF, or the OAS in Budapest, Santiago, Paris, Martinique, Oxford, Panama City, Sydney, and Kuala Lumpur.

MLS Litigation

At present, three of the six line attorneys in the MLS are either fully or largely committed to investigations and/or prosecutions. During the past year, the Section has:

Reviewed 312 indictments and forfeiture complaints, in FY 94, submitted pursuant to the Department's money laundering guidelines, and participated in 1,528 money laundering-related advisory matters.

Investigation Involving the Foreign Military Sales (FMS) Program - United States v. General Electric; United States v. Herbert B. Steindler, et al.;

This case represents the prosecution of the largest fraud involving contracts funded by the FMS program discovered to date and the entry of several pleas marks the first time that money laundering laws were used in connection with fraud by a military contractor. Further, this prosecution resulted in a unique United States/Israeli agreement regarding investigative matters. To facilitate this questioning, the Israeli government built sealed interview chambers at great time and expense.

The case presented a classic case of white collar money laundering, with an international twist. The MLS took the lead, with the Fraud Section, the U.S. Attorney's Office, and the Civil Division. The investigation involved \$26.5 million in fraud, including \$11 million that was laundered through European banks, that had been diverted from FMS contracts involving the Israeli Air Force P-16 program. As a result of this investigation General Electric Company (GE) pleaded guilty to money laundering and other charges, in July 1992, and paid \$69 million in criminal and civil fines and penalties.

In the Southern District of Ohio, Gary S. Klein, who purported to be the U.S. agent to an Israeli subcontractor of GE, and in fact served as the conduit for the transfer of illegal profit to European bank accounts, pleaded guilty to conspiracy (18 U.S.C. § 371) to violate 18 U.S.C. § 1957 (money laundering) and 18 U.S.C. § 1343 (wire fraud) on May 12, 1993. Klein admitted to participating in a conspiracy whereby funds were diverted to European bank accounts for the personal benefit of a former Israeli Brigadier General, Rami Dotan. On January 14, 1994, Klein was sentenced to 18 months imprisonment and 2 years' supervised release.

General Rami Dotan, who oversaw the purchase and maintenance of the Israeli Air Force aircraft engines, together with Herbert Steindler, the GE international sales manager, and Harold Katz, an Israeli attorney who laundered the diverted funds through the European bank accounts, were indicted in the Southern District of Ohio on March 17, 1994.

Katz is a fugitive. Dotan is serving a 13 year term of imprisonment imposed by an Israeli court, which also demoted Dotan to the rank of private.

On July 18, 1994, Steindler pleaded guilty to conspiracy, wire fraud and money laundering, as well as to the use of the mail in aid of racketeering in connection with a violation of a commercial bribery statute

(18 U.S.C. § 1952). Four months following this plea, on November 18, 1994, Herbert B. Steindler was sentenced to 84 months imprisonment, ordered to pay a forfeiture judgment of \$1,741,453, and forfeited his interest in substitute assets identified in the indictment.

Attorney Investigations: As described below, the MLS currently is handling two United States Attorney recusal cases involving attorneys in their districts investigated for possible money laundering offenses involving their receipt of criminally-derived fees.

(Northern District of California): The MLS is in the final stages of resolving our solo investigation, begun upon referral from the Deputy Attorney General, into allegations that criminal defense attorneys structured their fees in \$10,000 cash amounts, and then kicked back to the client \$20 in order to avoid filing 8300s. The allegations also maintain that the attorneys hid client money in their trust accounts in order to avoid government seizure of the funds. After a thorough investigation the evidence is insufficient to warrant criminal prosecution, however we are currently negotiating civil money penalties.

(District of Massachusetts): This matter arises out of a narcotics prosecution and the allegations involve the payment and disposition of attorneys' fees. The grand jury has been expanded to include additional attorney subjects.

U.S. v. Nielson (District of Utah): An MLS attorney is working with the District of Utah to prepare for a money laundering trial which is now scheduled for March 1995. This prosecution arises out of an undercover sting investigation in which the defendants laundered purported drug proceeds through the purchase of "penny" stocks and cashier's checks. The defendants are two attorneys and a stockbroker.

Emerald Clipper: The MLS is continuing its participation, along with the Narcotic and Dangerous Drug Section (NDD&S) and the Asset Forfeiture Office, in this DEA Special Enforcement Program operating as a task force in Phoenix, Arizona with the U.S. Attorney's Office for the District of Arizona.

Although the program historically has focused on civil forfeiture of aircraft, the operation currently is being expanded to include criminal matters, particularly with respect to money laundering offenses related to the purchase of these aircraft. An MLS attorney, together with a Phoenix AUSA, are actively pursuing a grand jury investigation resulting from the civil actions uncovered via Emerald Clipper.

To date, this DEA program has resulted in 69 seizures (31 domestic and 38 foreign) of assets valued in excess of \$130 million.

MULTI-DISTRICT AND DOMESTIC CASES

Banque Leu: In the Northern District of California the MLS, provided significant assistance in the first prosecution of a foreign bank for money laundering. The innovative plea agreement included unique provisions including a requirement that the bank produce special yearly audit reports for the United States Attorney's Office, as well as distribute an anti-money laundering compliance manual to clients and correspondent banks. Banque Leu (Luxembourg) S.A., pleaded guilty to one count of money laundering and agreed to the forfeiture of \$2.3 million on December 17, 1991. The prosecution was based on the actions of a former employee of the bank who, between February 1989 and February 1990, participated in a scheme to facilitate the deposit and processing of more than 400 U.S. cashier's checks totaling approximately \$2.3 million. These funds, derived from drug trafficking in the United States, were used to purchase cashier's checks in California. The cashier's checks were then sent to Colombia, and ultimately, to Luxembourg for deposit in Banque Leu accounts.

Coordination of/Participation in National Money Laundering Cases

Special Initiative: In an international, multi-agency operation the MLS, OIA, AFO, NADDS, DEA, FBI, Customs, and 13 judicial districts coordinated enforcement actions against an enterprise operating out of Colombia, which laundered illicit proceeds through money exchanges located in the United States and in various countries.

Operation Cup: The MLS provided substantial assistance during the course of a highly significant joint Customs-IRS undercover money laundering operation which revealed the vulnerability of Switzerland to money laundering operations. This case marks an important milestone in U.S. dealings with the Swiss authorities.

Operation Cup ended November 14, 1994, in the Southern District of Florida, with the arrest of Jean-Jacques Handali, an account director of the CBI-TDB Union Bancaire Privée ("CBI-TDB"), Geneva, one of the largest private banks in Europe, and three co-defendants. It is estimated that Handali's operation laundered \$2.5 million since the inception of the investigation in April 1993.

Workload:

(Some 1993 actual workload figures may not correspond with the actual figures exhibited in the 1995 President's Budget. After further research, the actual figures for 1993 are more accurately reflected in this year's budget.)

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Citizens, etc.)	311	358	411 411
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Item	1991	1994	Estimates 1995 1996
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Section Cases (lead prosecution):			
Pending, beginning of year.....	22	44	47 47
Opened.....	14	13	15 15
Closed.....	12	10	15 15
Pending, end of year.....	44	47	47 47
Disposition of defendants			
In Organized Crime & Racketeering			
Section Cases Litigated:			
Convictions.....	59	56	64 65
Acquittals/dismissals.....	14	7	8 7
Other dispositions (transfers to			
U.S. Attorneys, deaths).....	9	0	1 1
Strike Force Matters Reviewed			
and Approved:			
Pending, beginning of year.....	532	593	684 782
Opened.....	173	183	210 210
Closed.....	112	90	112 112
Pending, end of year.....	593	684	782 860
Strike Force Cases Reviewed			
and Approved:			
Pending, beginning of year.....	416	506	528 553
Opened.....	210	163	187 187
Closed.....	140	141	162 162
Pending, end of year.....	506	528	553 578
Narcotic and Dangerous			
Drug Section Investigations:			
Pending, beginning of year.....	31	33	28 27
Opened.....	37	34	39 44
Closed.....	35	39	40 45
Pending, end of year.....	33	28	27 26
			C23

Item	1993	1994	Estimates 1995 1996
Narcotic and Dangerous			
Drug Section Cases			
Isolate and shared prosecutorial:			
Pending, beginning of year.....	42	44	50 56
Opened.....	25	35	40 45
Closed.....	23	29	34 39
Pending, end of year.....	44	50	56 62
Disposition of defendants			
In Narcotic and Dangerous			
Drug Section cases litigated:			
Convictions.....	136	155	NA NA
Acquittals/dismissals.....	10	24	NA NA
Other dispositions (transfers			
to U.S. Attorneys, deaths).....	2	30	NA NA
Narcotic and Dangerous Drug			
Section Miscellaneous Items			
Appellate Matters.....	45	21	31 51
Legal Advisory Matters.....	955	1554	2000 2500
Review/Approval (Statutory,			
Regulatory, U.S. Attorneys'			
Manual).....	473	430	700 1000
Matters Monitored.....	19	2	10 15
Money Laundering Section Cases			
Pending, beginning of year.....	27	22	11 11
Opened.....	20	08	09 09
Closed.....	25	18	09 09
Pending, end of year.....	22	11	11 11
Money Laundering Guidelines and			
Matters Handled.....	1795	1900	1900 1900

C24

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Estimates by budget activity												
Criminal Matters												
White Collar Crime.....	240	241	25,289	230	231	26,169	222	223	25,165	(8)	(8)	(1,004)

Long Range Goal: To improve integrity in the Government, reduce the incidence of fraud, enforce exportation and obscenity law, and maximize the use of federal statutes to achieve prolonged incarceration.

Major Objectives:

Public Integrity Section

To oversee the Federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government; to handle all matters involving alleged misconduct by Federal judges and other corruption matters in which the United States Attorneys Office is recused; and to conduct initial inquiries and preliminary investigations pursuant to the statutory procedures concerning appointment of independent counsel.

To provide advice and expertise to Department of Justice officials with respect to public corruption issues.

To establish and maintain liaison and effective exchange of information with the federal law enforcement community including the U.S. Attorneys' Offices, FBI, Inspector General Offices and other Federal law enforcement personnel. This exchange of information includes training, advice, and consultation on effective investigation and prosecutorial approaches.

To supervise the investigation and prosecution of conflicts of interest and election crimes.

Fraud Section

To conduct major criminal investigations and prosecutions of fraudulent schemes against individuals, institutions and the United States Government.

To assist in the formulation of prosecutorial policies; to identify recurring illegal schemes; and to devise new practices and procedures for minimizing opportunities for criminal conduct.

To develop and enhance local, state, federal and international law enforcement cooperation in preventing fraud schemes.

Child Exploitation and Obscenity Section

To identify the major offenders of child exploitation, child sexual abuse, child prostitution and obscenity statutes, and to prosecute cases of national scope and coordinate prosecutions with U.S. Attorneys' Offices. To properly protect child victims and witnesses.

To educate law enforcement personnel and U.S. Attorneys' Offices on the law, in order to sensitize them of the need to fully enforce federal child exploitation, child sexual abuse, child prostitution and obscenity laws. To educate prosecutors and law enforcement personnel on the protection of child victims and witnesses.

To assist the U.S. Attorneys' Offices in investigating and prosecuting offenders and provide attorneys with the requisite specialization in these sensitive high profile areas of the law.

To develop and coordinate national projects and prosecutions involving the protection of minor children from sexual exploitation and abuse. To work with and educate U.S. Attorneys, law enforcement investigators, and victim-witness coordinators in handling cases involving child victims. To this end, CEOS has developed a national child protection initiative, primarily focused on child pornography on computer bulletin boards and networks, child sexual abuse offenses in Indian Country, and child prostitution in America's major cities.

General Litigation and Legal Advice Section

To develop and implement enforcement programs in certain key statutory areas where special expertise and/or centralization is required to be effective.

To develop and prosecute significant cases under a vast range of statutes due to recusal, lack of resources or lack of pertinent expertise in U.S. Attorney Offices.

To defend civil suits seeking to enjoin or to interfere with criminal justice activities and national security operations.

To provide support to the U.S. Attorneys in the conduct of all litigation within the program's subject areas.

To coordinate and participate in crime prevention programs, including the encouragement of voluntary involvement by corporations and individuals in the private sector in crime resistance efforts.

To provide legal and policy advice to the Assistant Attorney General, Deputy Attorney General, Associate Attorney General, and Attorney General, as well as other components of the Department, on issues of importance to the Department.

Base Program Description:

Public Integrity Section

The Public Integrity Section has the general responsibility for overseeing the federal effort to combat corruption through the prosecution of elected and appointed public officials at all levels of government. The Section is also responsible for supervising the handling of investigations and prosecutions of election crimes. Our attorneys prosecute selected cases against federal, state, and local officials, and are available as a source of advice and expertise to prosecutors and investigators nationwide. The Section supervises the administration of the Independent Counsel Reauthorization Act. In addition, as a national headquarters office, the Section provides extensive training to federal prosecutors and investigators, and serves as a source of advice and expertise to the policymakers of the Department of Justice with respect to issues that may arise from time to time regarding public corruption investigations and prosecutions.

Fraud Section

The Fraud Section, the largest component in the Criminal Division, directs the federal law enforcement effort against economic crime. The Section is responsible for conducting grand jury investigations and prosecutions in cases that require centralized treatment because of the complexity of the scheme, the multi-district nature of the criminal activity, the sensitivity of the issues, or the necessity for developing model prosecutions to establish the viability of a particular statute, prosecutive theory or technique.

Further, the Section provides on-site litigation support to U.S. Attorneys, when required due to the lack of local resources or expertise. The Section also provides assistance in developing investigative and prosecutorial strategies and in preparing or reviewing motions, briefs or other documents for prosecutors throughout the United States, as resources permit. It also formulates and implements white collar crime policy for the Department, and coordinates information sharing about white collar crime with state and local law enforcement agencies. The Section also provides specialized training to prosecutors and investigators on effective techniques and procedures for investigating and prosecuting white collar crime cases.

The Section contains four units: Financial Institution and Securities Fraud, Federal Procurement Fraud, Government, Business and Consumer Fraud, and Complex Corporate Fraud that carry out the primary function of the Section to investigate and prosecute complex fraudulent schemes. In the area of financial institutions and securities fraud, the Section supervises a task force in Dallas, supervises and staffs the New England Bank Fraud Task Force, is a member of the San Diego Bank Fraud Task Force, and staffs and supervises financial institution and securities fraud investigations and prosecutions in districts throughout the nation. The Section is the focal point for implementing the Department's new, broad responsibility for health care enforcement. The Attorney General reallocated FBI foreign counter-

intelligence resources to health care fraud law enforcement and the Section will coordinate and carry out the prosecution effort. In addition, the Attorney General has named a Special Counsel for Health Care Fraud that increases the enforcement effort. The Section also staffs the Executive Level Health Care Fraud Policy Group and administers and supervises interagency health care fraud enforcement programs. The Section is responsible for fraud involving Defense Department and other agency contracts and procurement. It investigates allegations of product substitution, defective products, cost mischarging and kickbacks. In conjunction with the Federal Bureau of Investigation the Section has reinstituted the Product Substitution Working Group, a multi-agency examination of government wide problems and approaches in providing the government with the value for which it pays. Other areas of special emphasis are fraud in the securities and commodities markets; fraud involving government benefits, contracts and loans; insurance fraud; international white collar criminal activity; and career white collar criminals. A particular area involves telemarketing fraud, which has increased dramatically. It is a method for committing economic crime that transcends several substantive areas, and can be used to commit bank fraud, health care fraud, insurance fraud, and other financial crimes.

Child Exploitation and Obscenity Section

The six major substantive areas within the jurisdiction of the CEOS are: child exploitation; child prostitution; child sexual abuse; the protection of child witnesses and victims; obscenity; and special civil matters. Under federal statutes, child exploitation involves the possession, manufacture, and distribution of child pornography and the unlawful selling and buying of children. Child prostitution involves the interstate transportation of minors for commercial sexual exploitation. Child sexual abuse involves rape, aggravated sexual assaults, and sexual abuse of children on federal and Indian lands. Special civil matters involve civil forfeiture actions and assisting in the defense of civil suits against the Department. Obscenity involves the sale of obscene matter on federal property, mailing obscene matter, transportation of obscenity in interstate and foreign commerce, broadcasting obscenity and indecency, dial-a-porn, engaging in the business of selling obscenity, criminal obscenity forfeiture, RICO obscenity cases involving enterprises which engage in a pattern of obscenity crimes, and obscenity-based money laundering.

General Litigation and Legal Advice Section

GLIAS is both a litigating and advisory/policy section. The Section prosecutes cases under a wide variety of statutes when a United States Attorney's Office is recused or lacks the resources or pertinent expertise to handle the case. GLIAS also provides legal advice to other components of the Department (including U.S. Attorneys' Offices) and the government concerning the statutes for which the Section is responsible. The Section is responsible for most of the criminal statutes in Title 18 of the U.S. Code, as well as for certain regulatory offenses and civil actions. The Section's work is divided into the following six law enforcement areas:

- 1) Computer Crime: This is the flagship area of our Section. We are addressing dead-on the burgeoning problem

of computer crime, which by its very nature crosses district, state, and national boundaries. The Section has a proactive initiative in this area and is in the forefront in the Department in coordinating an informed response to this developing area of the law;

2) International Trade Fraud: This area involves a wide range of schemes to evade import quotas, tariffs, and taxes, and includes transshipment (to conceal the actual country of origin of imported goods), undervaluation, and other fraudulent trade practices;

3) Crimes Against the Public: This area involves such subjects as civil unrest/riot, fugitive felons, motor vehicle theft, false identification crimes, interstate transportation of stolen property, and offenses on federal land, Indian reservations or the high seas;

4) Crimes Against Government Operations: This area relates to unlawful electronic surveillance, theft/destruction of government property, counterfeiting, postal depredations, obstruction of justice/Congress, perjury, false personation, and immigration offenses;

5) Regulatory Enforcement: This area involves criminally enforceable regulations promulgated by Agriculture, Commerce, Interior, Labor, State, Transportation, Health and Human Services, and includes such offenses as the mishandling of nuclear material, willful violations of mine/occupational safety standards, trademark/copyright violations, customs crimes, and industrial espionage;

6) Post-Conviction and Penal Matters: This area involves defending habeas corpus and coram nobis petitions, and providing advice in matters concerning sentencing, juveniles, prisoner transfer treaties, detainees, mental competence, and prison offenses; and

7) Particular Civil Cases: This area includes the defense of injunctive suits brought against the government for actions relating to criminal investigations and prosecutions or national security matters.

Accomplishments:

Public Integrity Section

INS Bribery Cases: Over 13 convictions have resulted in the Public Integrity Section's ongoing efforts to combat Immigration and Naturalization Service (INS) corruption in Florida and California. Most recently, William Tait, former Deputy Assistant Director of the INS San Francisco District Office, was convicted of accepting bribes in exchange for providing Permanent Resident Status and alien registration receipt cards to aliens who were not eligible to receive them.

Conviction of Former United States Treasurer Vasquez Villalpando: In February 1994, former United States Treasurer Catalina Vasquez Villalpando was convicted of federal conspiracy and tax evasion charges. Villalpando conspired to violate the false statement statute by concealing from the Treasury Department, the Office of Government Ethics, the Senate Finance Committee and the United States Senate certain information that was capable of influencing these agencies' actions in the consideration of her fitness to hold the position of United States Treasurer. The tax evasion charge resulted in her failure to report \$167,901 in taxable income.

Reindictment of Former Senator David F. Durenberger: Former Senator David F. Durenberger of Minnesota was reindicted on February 25, 1994, for submitting and conspiring to submit false claims to the Senate. He is charged with hiding his ownership of a Minneapolis condominium so that he could obtain reimbursement from the Senate for stays in the condominium when he travelled to Minnesota on Senate business. On July 8, 1994, Durenberger's motions to dismiss the indictment were denied.

Indictment of the Former Director of the White House Travel Office: On December 7, 1994, Billy R. Dale, the former Director of the White House Travel Office, was indicted and charged with embezzlement and wrongful conversion. Between 1988 and 1991, Dale deposited into his personal bank account fifty-five checks, totaling over \$54,000, that he obtained in his official position as Director of the Travel Office. The checks he deposited into his personal account consisted of checks that the White House news media sent to the Travel Office to pay their share of travel expenses, and refund checks from telephone and other companies who provided services for the press on Presidential trips. Dale was also charged with embezzling and wrongfully converting an additional \$14,000 in cash from a checking account that the Travel Office maintained on behalf of the press.

Resolution of Conflicts of Interest Matter Involving Former Ambassador Robert B. Oakley: On December 29, 1994, the former head of the State Department's Counter-Terrorism Office, Ambassador Robert B. Oakley, agreed to pay a \$5,000 civil fine to resolve allegations that he improperly lobbied the U.S. government to have restrictions lifted on Lebanon's Middle East Airlines after he left public service in 1992. The airline was banned from flying to and from the United States in 1985 because of inadequate attention to the problem of terrorists using the Beirut International Airport.

Former DOJ Trial Attorney Convicted for Criminal Contempt:

On June 16, 1994, Theodore Forman, a former Tax Division trial attorney, was sentenced to 36 months in prison on his conviction for unlawfully disclosing grand jury information while employed in the Tax Division's Criminal Enforcement Section. Grand jury materials, including transcripts of testimony and a witness list, were released to Vito Giacalone and others with connections to organized crime.

Fraud Section

Health Care Fraud: The cost of health care, and possible reform of the health care system, continues to be a major concern of the Congress and the Administration. Health care fraud not only implicates up to 10% of health care spending, but it also affects the quality of health care services, to the detriment of patients' safety. Accordingly, the Criminal Division continues to be the hub for coordination of the Department's health care enforcement effort. The Section chairs the national level Health Care Fraud Working Group, and staffs the Executive Level Health Care Fraud Policy Group, as well as advising all departmental policy makers on health care enforcement issues. In FY 1994, the Section markedly increased its health care caseload and continued to coordinate all large scale multi-district investigations. Also in FY 1994, the Section negotiated a global settlement with National Medical Enterprises, one of the nation's largest corporate health care providers, pursuant to which NME pleaded guilty to multiple felonies and agreed to pay \$379 million in criminal and civil fines, damages, and penalties.

Financial Institution Fraud (FIF): The Department continues to wage a strong campaign against those who have defrauded federally insured financial institutions. In major FIF cases for the period October 1, 1988 through June 30, 1994, the Department reported 386 indictments and information charging 5518 defendant. The conviction rate is 96%; 76% of those convicted have gone to prison. Through January 9, 1995, the task force in Dallas has charged 276 defendants and secured 214 convictions since its inception in 1987. In May 1991, the Department established a similar task force in New England that the Section supervises and staffs. As of January 9, 1995 it has obtained 75 convictions from the 94 defendants charged. Another bank fraud task force the Section joined in staffing was established in San Diego by the United States Attorney in May 1992. As of January 9, 1995 it has brought charges against 33 defendants and 18 convictions have been obtained. The Section also supports United States Attorneys' offices by staffing and supervising litigation.

Federal Procurement Fraud: Many of the 100 largest Department of Defense (DOD) contractors have been convicted of procurement fraud in the last eight years, some more than once. These convictions include, *InterAlia*, payments and acceptance of bribes and gratuities; overcharging the government for services and products provided; and failing to test certain weapons components or falsifying actual test results. The scope and cost of this fraud is apparent. In the six year period ending September 30, 1994, there have been 4,348 indictments, 3,750 convictions and 644 civil settlements, resulting in total monetary payments of approximately \$1.79 billion,¹ all arising from DOD contractor procurement fraud alone. Procurement fraud within all federal departments and agencies continues to flourish despite the tightening federal budget. The Section's nine attorneys provide significant assistance to the United States Attorneys in investigating and prosecuting procurement fraud, having recently expanded their jurisdiction from defense procurement fraud to all federal procurement fraud. Currently, Section attorneys are involved in dozens of active investigations, both working cooperatively with local assistants and directing investigations where recusals or limited local resources invite Section participation. These investigations involve procurement affecting DOD, NASA, Energy, EPA, and other agency contracts. In the past year, at the FBI's request, the Section has had a more active presence in

¹Statistics are provided by the Department of Defense Inspector General, whose most recent report includes statistics for the period ending September 30, 1994. Monetary payments include criminal fines, restitution and civil settlements.

all procurement-related undercover operations, to assure that these sensitive operations are better coordinated. The Section's extensive participation in the DOB Voluntary Disclosure Program has also continued, with substantial commitment of resources. As of July 1, 1994, there have been 319 voluntary disclosures resulting in over \$275 million being recovered under the Program. The Section reviews all voluntary disclosures, often supervising the criminal investigation, and then making prosecutive determinations. During FY 1994, the Section obtained convictions of six individuals in five separate cases. In addition, there are two indictments pending trial in 1995, including a desert storm contractor that fraudulently overbilled the government.

Telemarketing: As telemarketing fraud has become an economic crime problem causing as much as \$40 billion a year in consumer losses (particularly for senior citizens), the Fraud Section has been steadily increasing its commitment of prosecutive resources to deal with this special emphasis area. In 1993, for example, as part of "Operation Disconnect," a highly successful FBI undercover operation directed at fraudulent telemarketers, the Section provided nationwide coordination for the Department and successfully prosecuted criminal telemarketing fraud cases against nearly 40 defendants in the District of Utah; in addition, the Section successfully prosecuted criminal telemarketing fraud cases against four other defendants in the Eastern District of Texas. Currently, the Section chairs the Interagency Telemarketing Fraud Working Group, which provides a forum for more than a dozen federal departments and agencies (including 15 United States Attorneys' Offices and the FBI) to enhance coordination and communication in telemarketing fraud enforcement. In November 1994 the Section was designated as the coordinator for the National Telemarketing Fraud Initiative, which will provide nationwide coordination for a series of criminal investigations and prosecutions directed at the leading practitioners of telemarketing fraud throughout the United States. The Initiative will concentrate upon the more lucrative varieties of telemarketing fraud, such as (1) wireless cable and other large-scale investment fraud; (2) telemarketers who purport to assist victims with recovering their payments to other telemarketers; (3) telemarketers who purport to operate sweepstakes or prize promotions; and (4) fraudulent charities.

Insurance Fraud: This is a special emphasis area that focuses on major insurance frauds that threaten the solvency of insurance companies, and those that involve fraudulent insurance companies or corruption of state regulators. The Section handles prosecutions, chairs a multi-agency Insurance Fraud Working Group that coordinates federal law enforcement efforts and works with private industry and state law enforcement and regulatory officials. After highly publicized hearings regarding the problems with fraudulent insurance companies, Congress enacted a new federal insurance fraud statute that penalizes fraudulent conduct, including frauds against state insurance departments. We expect that this statute will result in significantly more investigations and prosecutions, and will require more liaison with industry and state insurance departments.

Complex Corporate Fraud: This unit is responsible for the investigation and prosecution of complex international bribery and fraud matters. In one ongoing series of investigations and prosecutions arising from the diversion of U.S. military assistance, three cases have been prosecuted in which fines and civil restitution have been imposed and collected in the aggregate amount of \$102.5 million. Additional related investigations are being pursued and another indictment is expected in the near future.

Training: The Fraud Section actively engages in coordination and training against white collar crimes. Through a variety of working groups and similar organizations, the Section gathers information to assist the Department in implementing economic crime policy. These working groups cover fraud dealing with financial institutions, telemarketing, health care, securities and insurance. Training Assistant U.S. Attorneys and federal law enforcement agents in the intricacies of the field is an important part of carrying out the Attorney General's priorities. This is done through the Economic Crime Council Enforcement Conferences, the working groups noted above, the Attorney General's Advocacy Institute, the Federal Law Enforcement Training Center, and by the law enforcement agencies for which the Section provides instructors.

Child Exploitation and Obscenity Section

When the Criminal Division was reorganized in late 1991, supervisory responsibility over the following statutes dealing with child sexual exploitation and abuse was transferred to CEOS which complemented the statutes on child pornography that the Section was already supervising: Chapter 223, 18 U.S.C. 3509 (Witnesses); Chapter 117, 18 U.S.C. 2423 (Transportation of Minors for Illegal Sexual Activity); Chapter 109A, 18 U.S.C. 2241 (Sexual Abuse and Aggravated Sexual Abuse of Children Under 12) and 18 U.S.C. 2243 (Sexual Abuse of a Minor). More recently, the Section acquired supervisory responsibility over the federal statutes dealing with child support issues. The Section has moved forward with and continues to create several major projects in all these statutory areas.

The Child Exploitation and Obscenity Section continues to obtain important convictions in the area of child exploitation. In July of 1992, the Section and the Postal Inspection Service began "Project Loopers," which stemmed from the search of a mail-order dealer in both child pornography and adult obscenity. This project resulted in the execution of 48 search warrants across the country on identified consumers of child pornography. In March of 1993, the Section began coordinating "Operation Long Arm," a major international computer child pornography investigation with the U.S. Customs Service. As a result of project "Long Arm," 31 search warrants in 15 states and 30 cities were executed on individuals who had "downloaded" child pornography from a bulletin board in the Netherlands. These two projects illustrate the success of coordinated Department efforts with federal prosecutors and investigators who enforce federal verdict and guilty pleas are a testament to the dedication of federal investigators and investigators by jury child protection laws. In addition, many thousand pieces of child pornography were seized and removed from the underground stream of commerce, along with many audio-visual and computer machines and some vehicles, thus denying these pedophiles the use of such tools of child molestation and exploitation. Several similar projects are underway between CEOS and investigative agencies, including the Postal Inspection Service, the Customs Service, the Federal Bureau of Investigation ("FBI"), and police and sheriff's departments across the U.S. and in some foreign countries.

One of the areas in which CEOS has become increasingly active over the past two years is the prosecution of federal child sexual abuse cases, primarily those occurring on Indian lands, military bases, and other federal jurisdiction

properties. Since receiving supervisory jurisdiction of Chapter 109A offenses against children in 1991, the Section has been particularly active in working with United States Attorneys and the FBI to increase the number of federal child sexual abuse cases prosecuted and to ensure responsiveness to child victims. The Section prosecuted several important child sexual abuse cases with U.S. Attorneys' Offices, with recent jury convictions against Frederick Yazzie and Benjamin Curley, both in the District of Arizona for aggravated sexual abuse of minors in Indian Country, resulting in sentences of 30 years and 14 years, respectively. Numerous other convictions by guilty pleas have been obtained in cases prosecuted or assisted by CEOS attorneys in several federal districts, including Montana, Minnesota, New Hampshire, and South Dakota. The Section provides a host of other services to federal prosecutors and investigators, including training, consultation, and litigation support and assistance. CEOS also organized an inter-agency operational meeting directed at enhancing the overall federal response to child sexual abuse in Indian Country.

Since the Section's inception in 1987, it has obtained 150 obscenity convictions involving more than \$24 million in fines and forfeitures for the Government. Several major projects have contributed to significant results for federal obscenity law enforcement. Project "Blue Darcy" by the FBI and CEOS resulted in the conviction and incarceration of Reuben Sturman, the world's largest distributor of hard-core obscenity. Project "Woodworm" by the FBI, the Los Angeles Police Department, and CEOS resulted in convictions of two dozen of the major Los Angeles-based producers and national distributors of hard-core pornography videos and magazines. These projects took on a supply network from coast to coast that involves virtually all of the country's obscenity outlets. Likewise, project "Post Porn" by the Postal Inspection Service and CEOS resulted in dozens of convictions for mailing obscenity against most of the national mail-order companies handling hard-core materials.

Some of the more noteworthy obscenity convictions that CEOS helped bring about include: the RICO-obscenity convictions of Dennis Pryba in the Eastern District of Virginia, Reuben Sturman and his partners in the District of Nevada, and Ferris Alexander in the District of Minnesota, all of which resulted in forfeitures of dozens of businesses and over \$10 million in real and personal properties; the conviction of Multi-Media Distribution Company, Inc., of Merrillville, Indiana, and Los Angeles, and its president, Mark Carriere, for interstate shipments of obscenity and their forfeiture of \$3.5 million to the Government (this was the largest monetary forfeiture in an obscenity case in the history of the United States, one million of which was shared with the Los Angeles Police to fight violent crime and gang activities); the federal and state convictions of Phillip Kraemer and several of his officers and corporations in Middle District of Pennsylvania for interstate shipment of obscene materials, including the first federal conviction for money laundering involving the proceeds from obscenity; the first federal conviction for broadcasting obscenity by satellite, against Home Dish Only Satellite Network, Inc., in the District of Utah and the Northern District of New York; and the first federal obscenity conviction for distributing obscene material by computer, resulting from the jury conviction in Western District of Tennessee at Memphis of Robert and Carleen Thomas for using computer-telephone facilities of interstate commerce to transport obscenity over their "Amateur Action BBS" service.

General Litigation and Legal Advice

Computer Crime Initiative. Following the adoption of the computer crime initiative by the Attorney General's Economic Crime Council in February 1991, a Computer Crime Unit was established in the Section and was staffed with attorneys having both technical expertise and prosecutorial backgrounds. Working closely with the United States Attorney Offices, the FBI, the Secret Service, and other government agencies, the Unit has successfully implemented a nationwide strategy designed to 1) deal with the rising incidents of computer crime, 2) supply technical and legal expertise to U.S. Attorneys' Offices, 3) litigate cases that, due to their multi-district nature or legal importance, warrant our participation, 4) propose legislative changes to remedy defects in existing legislation, 5) develop training programs to educate attorneys working in the computer crime area, and 6) develop an international response to the problem of computer crime, working with the Office of International Affairs and the State Department. Section attorneys, working with the United States Attorney's Office for the Southern District of New York, convicted seven computer hackers calling themselves the Masters of Deception who penetrated computer systems belonging to credit reporting agencies, universities and voice data carriers. The hackers intercepted data transmissions, crashed at least one computer system and altered customer phone service without authority. This case involved the first successful court-authorized wiretap of data transmissions.

In the year ahead, the Unit envisions that the major goals to be accomplished include (1) convening an international convention on computer crime; (2) increasing the number of prosecutions under 18 U.S.C. § 1030 (The Computer Fraud and Abuse Act) by initiating and coordinating cases of national interest and expanding the amount of training and publications available to assist agents and prosecutors in the development of these and other computer crime cases; (3) amending the existing sentencing guidelines which currently fail to adequately consider privacy and data integrity issues when sentence is imposed; and (4) preserving law enforcement's ability to investigate criminal cases as new technologies are deployed in the telecommunications arena (e.g., digital telephony and encryption.)

International Trade Offenses Initiative. The international trade fraud initiative is a designated priority of the Attorney General's Economic Crime Council. GLIAS has been active in coordinating multi-district aspects of the Customs Service's massive nationwide "Q-Tip" textile transshipment investigation and subsequent prosecutions, with section support including convening a meeting of agents and prosecutors from a dozen affected districts, and providing litigative support, legal advice, and policy guidance to various affected districts and litigating cases upon U.S. Attorney office request. We have also been representing DOJ criminal justice concerns in the ongoing interagency Textile Transshipment Task Force effort, co-chaired by the Department of Commerce and U.S. Trade Representative; that effort will likely lead to significant changes in the Federal Government's approach to regulating international textile trade, including treaty language and Customs Service administrative procedures. GLIAS has also supported Congressional Subcommittee, General Accounting Office, and Internal Customs Service reassessments of existing international trade enforcement practices.

Indian Gaming Initiative. This initiative concerns enforcement in the area of illegal gaming on Indian reservations. The objective is to close down tribal operations not in conformance with the Indian Gaming Regulatory Act (IGRA) enacted

in October 1988. The Section trains prosecutors and law enforcement officers in the intricacies of the IGRA and the National Indian Gaming Commission's (NIGC) regulations, monitors changes in the case law, provides litigative advice and support to the United States Attorneys' Offices, and coordinates investigations and enforcement with the FBI, the NIGC and the Bureau of Indian Affairs.

Life/Health Endangering Safety Violations Initiative. This initiative enforces the criminal provisions of the Occupational Safety and Health Act (OSH Act), the Coal Mine Safety and Health Act (MSH Act) and the Atomic Energy Act. This initiative is based on the need for safety in dangerous work situations, the potentially catastrophic consequences that can result from a nuclear disaster, and the difficulties inherent in prosecuting regulatory cases. GLA reviews all regulatory agency referrals of criminal investigations for prosecutive merit, referring to the appropriate U.S. Attorneys' Offices cases that are not sufficiently complex to merit Section resources, declining cases that merit no further action, and handling meritorious complex referrals. Section attorneys convicted Main Industries in the Eastern District of Virginia for OSH Act violations resulting from an explosion that killed two employees and injured another while they were spray painting the inside of a barge. In the District of New Jersey, John Cusack was convicted of OSH Act violations resulting in the death of an employee when the structural steel frame for a warehouse collapsed. Section attorneys and attorneys in the Western District of Kentucky also handled a MSH Act case involving a gas explosion at a mine in Wheatcraft, Kentucky that killed 10 men. The mining company and 10 employees have pleaded guilty to MSH Act violations. The company has agreed to pay a \$2.75 million fine which is almost four times as great as the previous largest fine in a mine case. Trial for four other employees is pending.

Immigration Violations Initiative. There are three aspects to the Section's immigration enforcement initiative. First, the Section works with the Immigration and Naturalization Service (INS) to promote effective investigation of immigration law violations. In this regard, the Section's primary function is to review proposed INS undercover operations, and to ensure that these proposals satisfy legal standards and effectively utilize investigative resources. Currently, four Section attorneys serve on the INS Undercover Operations Review Committee (UORC). Second, Section attorneys assist the INS by participating in training exercises with that agency. Finally, where appropriate, Section attorneys directly participate in prosecutions. In the District of Idaho, Daniel Symma, Symma Fruit Ranch, Inc., and an employee pleaded guilty to immigration violations resulting from the falsification of documentation relating to special agriculture worker applications so that illegal aliens could work at the fruit farm.

Legal Advice: In the legal advice area, the Section is working with INS to redraft its undercover operations guidelines. Section attorneys are preparing a search and seizure manual for use by investigators and prosecutors in handling computer crime cases. Further, the Section updated the Guidelines for Drafting Indictments, an extremely popular book that was initially published in 1990. Crime resistance is a cost effective way to fight crime. For example, a Section attorney is participating on a joint Transportation/Justice task force studying problems relating to motor vehicle titling, registration, and salvage controls as they relate to the problem of motor vehicle theft. The task force is mandated by the Anti Car-Theft Act of 1992.

Workload:

(Some 1993 actual workload figures may not correspond with the actual figures exhibited in the 1995 President's Budget Request. After further research, the actual figures for 1993 are more accurately reflected in this year's budget.)

Item	1993	1994	1995	1996
Public Integrity Matters:				
Pending, beginning of year.....	154	176	181	181
Opened.....	199	181	200	200
Closed.....	172	178	200	200
Pending, end of year.....	181	181	181	181
Public Integrity Cases				
(lead prosecution):				
Pending, beginning of year.....	34	22	25	25
Opened.....	34	35	35	35
Closed.....	45	35	35	35
Pending, end of year.....	23	22	25	25
Disposition of defendants				
in Public Integrity cases				
litigated:				
Convictions.....	51	43	43	43
Acquittals/dismissals.....	7	...	...	...
Fraud Matters:				
Pending, beginning of year.....	543	694	619	569
Opened.....	362	151	150	150
Closed.....	241	228	200	200
Pending, end of year.....	664	619	569	519
Fraud Cases (lead prosecution):				
Pending, beginning of year.....	101	100	118	112
Opened.....	85	84	80	80
Closed.....	86	66	66	86
Pending, end of year.....	100	118	112	118
				C17

Item	1993	1994	Estimates 1995 1996
Disposition of defendants in fraud cases litigated:			
Convictions.....	116	112	110 110
Acquittals/dismissals.....	17	8	10 10
Other dispositions (transfers to U.S. Attorneys, deaths)....	...	...	... ..
Court Ordered Fines/Restitution/ Forfeitures/Settlements (In million of dollars).....	68	100	100 100
Child Exploitation & Obscenity Matters:			
Pending, beginning of year.....	251	336	426 426
Opened.....	469	327	350 350
Closed.....	396	236	350 350
Pending, end of year.....	324	426	426 426
Child Exploitation & Obscenity Matters:			
(Lead prosecution):			
Pending, beginning of year.....	35	29	24 24
Opened.....	13	7	12 12
Closed.....	18	11	12 12
Pending, end of year.....	30	24	24 24
Child Exploitation & Obscenity Matters:			
Obscenity cases litigated:			
Convictions.....	30	21	25 25
Acquittals/dismissals.....	3	...	... ..
Other dispositions (transfers to U.S. Attorneys, hung, deaths).....	10	1	5 5
			C18

Item	1991	1994	Estimates 1995 1996
<u>Litigation: Matters (Investigations)</u>			
<u>Handled by Section</u>			
Opened, beginning of year.....	45	66	76 86
Closed.....	67	75	85 95
Pending, end of year.....	46	65	75 85
	66	76	86 96
<u>Litigation: Cases (Handled by)</u>			
<u>Per</u>			
Opened, beginning of year.....	8	10	16 22
Closed.....	20	30	35 40
Pending, end of year.....	18	24	33 42
	10	16	18 20
<u>Disposition of defendants</u>			
<u>General Litigation & Legal</u>			
<u>Advice Cases Litigated:</u>			
Convictions.....	22	27	35 42
Acquittals/dismissals.....	1	0	0 0
<u>Legal Advice:</u>			
Written Assignment	1,764	2,000	2,500 3,000
Telephone Advice	1,296	1,350	1,450 1,550
<u>Criminal Appeals:</u>			
	4	11	11 11
<u>Civil Cases:</u>			
	14	18	20 22

Estimates by budget activity Criminal Matters	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
International	137	139	131	133	131	133	15,042	15,042

Long Range Goal: To provide legal assistance and central coordination necessary to maintain effectiveness of federal criminal law enforcement in the areas of national security, foreign relations, counter-terrorism, and to locate, investigate, denaturalize and deport individuals who concealed activities committed during World War II involving prosecution of others in order to gain entrance to the United States.

Major Objectives:

Office of International Affairs

To guide federal and state prosecutors in returning fugitives from abroad, and to obtain evidence and legal assistance from foreign governments.

To represent or supervise the representation of foreign governments' extradition and evidence requests in U.S. courts.

To negotiate treaties and other agreements that facilitate extradition of fugitives and acquisition of evidence, and improve the administration of justice across international boundaries.

To coordinate the Department's policy on international law enforcement matters with other government agencies, principally the Department of State and Treasury.

Internal Security Section

To develop, implement and coordinate investigative and litigative strategies in the area of national security.

To supervise all prosecutions involving the Neutrality statutes, the Espionage statutes, the Arms Export Control Act, the Export Administration Act, the International Emergency Economic Powers Act and the Classified Information Procedures Act (CIPA).

To administer and enforce the Foreign Agents Registration Act (FARA) and provide legal support to all Federal investigative agencies engaged in national security matters.

Office of Special Investigations

To identify all alleged war criminals living in the United States and seek to denaturalize and/or deport them. To prevent entry of Nazi persecutors into the United States.

To develop and maintain working relationships with foreign governments having information relating to the activities of suspected Nazi war criminals.

To assist foreign governments in extradition and in their investigation and prosecution of Nazi war criminals.

Terrorism and Violent Crime Section

To investigate and prosecute federal offenses related to international acts of terrorism. To provide legal advice and guidance, as well as litigative support, to U.S. Attorneys' offices involved in violent crime/gang prosecutions.

To develop, implement, and coordinate Department initiatives in the areas of violent crime and terrorism.

To prosecute major violent crime cases which, due to refusal or the complexity of the case, cannot be handled by the local U.S. Attorney's Office.

Base Program Description:

Office of International Affairs

The Office of International Affairs (OIA) is responsible for international mutual legal assistance and international extradition. Mutual Legal Assistance Treaties (MLATs) permit OIA to open channels of communication with foreign governments to obtain investigative assistance and evidence directly from other countries. International extradition treaties return fugitives to the United States by extradition. To implement these treaties, OIA has established links to numerous foreign and domestic entities, including Foreign Justice Ministries and Interior Ministries, foreign police, foreign Embassies in Washington, the Departments of State and Treasury, other components of Justice, INTERPOL, as well as to federal and state prosecutors offices in the United States.

To ensure that the extradition requests submitted by the United States meet the requirements of the treaties and foreign law, OIA advises federal and state prosecutors on preparing the requests and has the responsibility for reviewing and approving all outgoing extradition requests, i.e., those made by the United States. With respect to incoming extradition requests, (i.e., those made by foreign governments), OIA reviews the requests for sufficiency under the applicable treaty and U.S. law. It also supervises and assists in the litigation of foreign requests by the U.S.

Attorneys Offices. Similarly, to assure that requests submitted by the United States seeking evidence from foreign countries under MLATs meet the requirements of the applicable treaty, OIA acts as Central Authority, advises federal and state prosecutors on the preparation of all requests, and screens or redrafts them prior to transmittal to the foreign state. OIA performs essentially the same role when, in the absence of an MLAT, such requests are made by letters rogatory. To promote reciprocal assistance by foreign governments in either directly executing United States requests for evidence or other assistance, OIA either directly executes foreign requests for evidence or other assistance, or supervises the execution of the requests by United States Attorneys Offices, including any litigation arising from the execution.

Internal Security Section

The Internal Security Section investigates and prosecutes cases affecting the national security, foreign relations, and the export of military and strategic commodities and technology. It also administers and enforces the Foreign Agents Registration Act of 1938 and related statutes. This Section has exclusive prosecutorial responsibility for criminal statutes regarding espionage, sabotage, neutrality, and atomic energy. Criminal cases involving classified information, especially the application of the Classified Information Procedures Act, are coordinated by this Section.

The four major areas of the Internal Security Section (ISS) are: Espionage Unit, Export Unit, Graymail Unit and Registration Unit. The Espionage Unit provides legal advice and guidance to the Investigative and Intelligence communities in the development of cases for prosecution and directs support to the United States Attorneys' Offices when prosecution is undertaken. The Export Unit works closely with investigative agencies and the United States Attorneys' Offices to develop and prosecute cases under the Arms Export Control Act, the Export Administration Act and the International Emergency Economic Powers Act. Under these statutes, the Executive Branch controls the export of military and strategic items and technology by requiring a validated license for their exportation, and the export enforcement program is a vital component in our use of trade embargoes to further national security and foreign policy objectives. The Graymail Unit is consulted in any criminal case involving the possible disclosure of classified information in litigation, and furnishes legal advice concerning use of the Classified Information Procedures Act (CIPA) to United States Attorneys, the Department, and other components of the Executive Branch. The Registration Unit is responsible for the registration of representatives of foreign governments and entities, supervising investigations, conducting inquiries, inspections, and all Foreign Agents Registration Act (FARA) related criminal and civil litigation.

Office of Special Investigations

OSI's mission is to identify, investigate, and take appropriate action to deport, denaturalize, extradite or otherwise prosecute U.S. citizens and aliens found in the United States who, in conjunction with the Nazi regime or its allies, ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin or political opinion. OSI is also charged with the responsibility of ensuring that individuals

implicated in Nazi-sponsored acts of persecution do not gain entry into this country.

OSI is unique within the Criminal Division in that it is essentially a "self-contained" operation. OSI personnel, without substantial assistance from other agencies, identify potential Nazi criminals (through the research of OSI professional historians); investigate the subject's wartime activities and immigration to the U.S.; and handle all aspects of the ensuing litigation (including appeals) with minimal involvement of the U.S. Attorneys' Offices.

The Office of Special Investigations (OSI) is responsible for implementing U.S. law enforcement policies, investigations, and prosecutions of individuals who participated or assisted in persecuting people because of race, religion, national origin, or political opinion. Many of these people were admitted as aliens or became naturalized citizens of the United States. The activities of the Office include archival investigations, witness interviews in the United States and abroad, and denaturalization/deportation litigation before administrative bodies and U.S. courts. There are four major phases of work: (1) matching the name of a current United States citizen or resident to an allegation or suspicion of Nazi crimes of persecution, and opening an investigative file on that person; (2) investigation of suspects; (3) litigation; and (4) appeals of judgment or other final orders.

Terrorism and Violent Crime Section

The responsibilities of TVCS extend to the following areas of federal criminal law:

- Violence Directed Against People -- e.g., threats, assaults, kidnappings, and murders.
- Violence Directed Against People and Property -- e.g., aircraft piracy and robbery.
- Violence Directed Against Property -- e.g., destruction of an aircraft and arson.
- Instrumentalities of Violence -- e.g., firearms and explosives violations.

In the area of international terrorism, the Section responds to significant criminal violations which impact on U.S. interests. TVCS investigates and prosecutes federal offenses resulting from acts of terrorism, and must be prepared to respond quickly when terrorist incidents occur or when defendants become available in cases that have been indicted. In terrorism cases, which have involved, for example, the hijacking or bombing of U.S. flights, the bombing of U.S. embassies, and the abduction or murder of U.S. citizens, Section attorneys provide legal advice to investigators, participate in coordinating the investigations and, together with the pertinent U.S. Attorney's office, prepare and prosecute cases.

In the area of domestic violent crime, the Section develops, and assists in the implementation of, enforcement

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initiatives designed to enhance the effectiveness of the federal law enforcement response to this national problem. In particular, TVCS is coordinating the efforts of all 93 U.S. Attorneys and other components of the Department in the implementation of the Administration's Anti-Violent Crime Initiative, announced by the Attorney General and the Vice President on March 1, 1994. The Section conducts and participates in training conferences on violent crime/gang prosecutions, and handles appellate matters in the firearms area, in coordination with the Appellate Section. Section attorneys assume direct responsibility for the investigation and prosecution of particularly significant violations where appropriate. At the programmatic level, Section attorneys develop legislative initiatives and coordinate with other executive branch agencies strategies designed to deter terrorist activities and violent crime.

Accomplishments:

Office of International Affairs

TREATIES AND INTERNATIONAL AGREEMENTS

Extradition treaties are the key mechanism by which fugitives located abroad are surrendered to the United States. Mutual legal assistance treaties are a relatively new kind of law enforcement treaty, and have proven to be more effective means of obtaining evidence than the letters rogatory mechanism we must use in the absence of an MLAT.

OIA continued to pursue an aggressive negotiation agenda in 1994, and conducted formal negotiations with ten countries. New MLATs were signed with South Korea and the United Kingdom, and new extradition treaties, MLATs, or other law enforcement treaties are ready now for signature with Austria, Hungary, Hong Kong, Mexico, and the Philippines. OIA also pressed for the completion of negotiations already underway with Australia, Belgium, and Luxembourg, and laid the groundwork for high-priority negotiations in the coming year in Eastern Europe, the former Soviet Union, and the Far East. OIA also continued its efforts to expedite the entry into force of completed treaties, an effort which has resulted in the entry into force of an MLAT with Uruguay and a new extradition treaty with the Bahamas. Finally, OIA devoted substantial resources during the year to the negotiation of multilateral conventions, including the OAS Conventions on Mutual Legal Assistance, Transfers of Prisoners, and Disappeared Persons, to negotiation of United Nations conventions on an International Criminal Court and a (Bosnian) War Crimes Tribunal, and the development of rules of procedure for the War Crimes Tribunal.

In addition to these treaties, OIA is deeply involved in the negotiation of executive agreements respecting international legal matters. Within the past year, OIA supervised the negotiation of asset forfeiture and asset sharing arrangements with the Cayman Islands, the Netherlands Antilles, and Canada.

CASES

Terrorism/Violent Crimes.

At the request of the Government of Mexico, OIA arranged for five persons charged with involvement in the murder of Cardinal Posadas Ocampo at the Guadalajara Airport to be taken into custody in California and held for extradition. One of the suspects has been deported to Mexico, one consented to extradition, the other three have been found extraditable.

The State of Israel extradited Robert Manning to stand trial in San Francisco on murder charges stemming from the delivery of a letter bomb which exploded, killing a secretary. Manning, who was active in the Jewish Defense League, was convicted and sentenced to life imprisonment. Manning's wife Rochelle also was certified extraditable from Israel, but died mysteriously in prison before her surrender could be accomplished. A third accomplice, William Ross, was extradited to the United States from Canada.

On February 24, 1994, Peter Eamonn McGuire was extradited from Ireland to the United States to stand trial in the District of Massachusetts on charges relating to schemes to build and export to Ireland sophisticated bomb detonation devices designed to blow up British military helicopters. McGuire has since pleaded guilty to these charges. Mr. McGuire claimed his extradition should be denied on political offense grounds, but the Irish court held that this defense does not apply because the U.S. is not a party to the conflict in Northern Ireland.

The United Kingdom (Northern Ireland) has requested the extradition of four persons who escaped from the Maze Prison in Northern Ireland in 1983. The defendants, all suspected or convicted members of the Provisional Irish Republican Army, have been convicted of terrorist offenses in the United Kingdom, and all are facing extradition hearings in the Northern District of California. OIA attorneys participated directly with Assistant United States Attorneys in the extradition hearing for James Smyth, which commenced September 27, 1993, and concluded in November.

On July 28, 1994, Sallie Croft and Susan Hagan, former followers of the Baghwan Rajneeshi who are wanted by the District of Oregon for conspiracy to murder the U.S. Attorney, were extradited from the United Kingdom to stand trial in the District of Oregon. They had claimed extradition should have been denied because they will be unfairly punished on account of their religious beliefs.

In late 1993, France granted the extradition of U.S. national Joy Davis Aylor to Dallas Texas, where she recently stood trial for capital murder (one count), conspiracy to commit capital murder (two counts) and solicitation of capital murder (two counts). Mrs. Aylor was convicted and sentenced to life imprisonment. The case was complicated because France demanded assurances that the fugitive would not be sentenced to death if convicted. In addition, OIA forwarded several letters rogatory to France requesting the testimony of French authorities at trial.

Austrian national Jack Unterwiesinger, a serial killer accused of murdering several prostitutes in Austria, waived

extradition proceedings and returned to Austria on May 28, 1994. Austria sent a letter rogatory asking for information from the Los Angeles Police Department and witness interviews for the trial in June, 1994. Mr. Unterweiger was convicted, and hanged himself in his cell on the evening following his conviction.

Fraud.

On May 8, 1994, Swaleh Naqvi, former head of the Bank of Credit and Commerce International, was surrendered to the United States by the Government of Abu Dhabi, United Arab Emirates. Mr. Naqvi's surrender was the result of a cooperation agreement OIA helped negotiate with the Government of Abu Dhabi in Geneva, Switzerland, in January 1994. This agreement was the culmination of prolonged negotiations between the Justice Department and the Government of Abu Dhabi. The agreement also gave U.S. state and federal prosecutors full access to all BCCI books and records held in Abu Dhabi -- more than 12 million pages -- and access to all BCCI officials held in custody in Abu Dhabi. Attorneys and investigators from the Department of Justice, the New York District Attorney's Office, and the Federal Reserve Board traveled to Abu Dhabi in March, 1994, and May, 1994, to review these records and interview the BCCI officials. Mr. Naqvi pled guilty to conspiracy, fraud, and racketeering conspiracy charges in the District of Columbia on July 8, 1994.

In March, 1994, Luxembourg transferred approximately \$500,000 in fraud proceeds in the Eddie Antar case to the United States. Mr. Antar was convicted, and sentenced to 12 years by the U.S. District Court for the District of New Jersey for securities fraud offenses stemming from a scheme to manipulate stock in his appliance retail store "Crazy Eddie." The transferred funds were used to make restitution to defrauded investors. Mr. Antar agreed to repatriate approximately \$53 million of more than \$62 million he maintained in bank accounts overseas. Over \$40 million was transferred from a Swiss bank account which was frozen pursuant to an MLAT request from OIA.

In the General Electric Aircraft case, OIA processed an MLAT request to Switzerland, as a result of which \$117,046 and \$553,809 were transferred from Lausanne to the U.S. The defendants pled guilty to various fraud, money laundering and related charges stemming from their defrauding of the U.S. government in connection with military sales to Israel.

Pursuant to an investigation into whether Lockheed Corporation and Lockheed Aeronautical Systems Company defrauded the Foreign Military Sales Program of the U.S. Defense Department, OIA requested bank documents from Switzerland and persuaded the Swiss to freeze accounts totalling \$1.26 million. On June 27, 1994, the Northern District of Georgia indicted Lockheed and two executive officers, Allen R. Love and Suleiman A. Nasser. Shortly thereafter, Mr. Nasser fled the U.S., and his extradition is being sought.

From June 5-8, 1994, OIA assisted Italian authorities in New York in taking witness testimony and continuing their investigation of Giulio Andreotti, the former Prime Minister of Italy, who is accused of corruption offenses.

In the culmination of a massive fugitive search operation, Thomas J. Billman was extradited from France in December,

1993, to stand trial in the District of Maryland for his involvement in the virtual collapse of the Maryland savings and loan industry. This allowed the state of Maryland to pursue collection of the \$100 million judgment it obtained against him in state court. In addition to extradition efforts, OIA obtained bank records from Switzerland and documents from France needed as evidence in this major fraud case.

The United States Attorney's Office for the Central District of California is investigating whether Marcus Fontaine and others violated U.S. criminal laws by defrauding the Medicare and Medicaid programs of approximately \$40 million, and laundering at least a portion of the proceeds in Spain. Bank records produced in response to an OIA request to Spain were received and forwarded to the prosecutors on September 2, 1994.

On June 2, 1994, Swiss officials issued a freeze order at OIA's request in coordination with the arrest in the Eastern District of New York of G. Harry Kapralos. Mr. Kapralos is accused of defrauding the U.S. Government by appropriating Medicare and Social Security withholdings taken from his employees' paychecks. The Swiss have frozen approximately \$754,000.

During the execution of the Marcus Fontaine request to Liechtenstein for bank records, an account was identified in a Liechtenstein bank whose contents (\$3.5 million) were frozen pursuant to a civil action undertaken on behalf of the U.S. and the state of California to recover fraud proceeds.

In November, 1993, OIA helped arrange for an Assistant U.S. Attorney from the Central District of California to travel to Ukraine to assist in the execution of a letter rogatory from Ukraine. The D&P Group, Inc. allegedly defrauded the Bank of Ukraine by promising to pay \$25 million in exchange for 2 billion rubles.

The first request for legal assistance OIA made to Russia involved David and Michael Brunson, who were convicted of 50 counts of fraud in the Western District of Oklahoma. A jury forfeited property worth \$734,702 to Russia and sentenced Mr. Brunson to 17 1/2 years in prison for defrauding the Russian government of \$1.3 million.

In October, 1993, Spain provisionally arrested Miguel Recarey for extradition to the United States. Mr. Recarey is the subject of four indictments returned in 1987 in the Southern District of Florida on various charges including bribery, wire fraud and wiretapping which arise from a major \$30 million Medicare fraud scheme.

Mar/cotica Trafficking/Money Laundering.

In the late May, 1994, four Colombian nationals charged in the Southern District of California as major money launderers in connection with Operation Green Ice were extradited from Costa Rica to the United States. These defendants were the first fugitives ever extradited from Costa Rica on money laundering charges.

On May 15, 1994, Colombian nationals Jose Jurado-Rodriguez and Edgar Garcia-Montilla were extradited to the Eastern District of New York where they were wanted to stand trial for narcotics trafficking and money laundering offenses. Both are affiliated with Jose Santa Cruz-Londono of the Cali cocaine cartel. Jurado, Garcia, and a third co-conspirator, Ricardo Mahecha-Bustos, were tried and convicted in the first trial in Luxembourg involving international money laundering. The evidence presented in the case was heavily dependent on information provided by U.S. authorities.

On June 15, 1994, OIA arranged for Aruban authorities to provisionally arrest Luis Carlos Herrera-Lizcano for extradition to stand trial in the Northern District of Illinois for conspiracy to import cocaine and laundering of drug proceeds. Investigations by the DEA have revealed that Mr. Herrera-Lizcano is the organizer and manager of the Cali Cartel's air wing. He is alleged to be responsible for importing into the United States numerous multi-ton shipments of cocaine and laundering approximately \$22 million in illegal drug proceeds.

In February, 1994, OIA arranged for the extradition of Hsia Chuan-Sheng, a/k/a "Robert Ha," from Singapore to Central District of California to stand trial for conspiracy to distribute and possession with intent to distribute crystal methamphetamine ("ice") and three counts of distribution of ice. Mr. Hsia is believed to be one of the two largest manufacturers and dealers of ice in the world, and is known to control two of the three chemists or "cookers" who concoct the drug. Despite some concern that crystal methamphetamine was not a controlled substance listed under Singapore law, OIA worked closely with Singapore prosecutors to carefully extract the expert testimony that was needed to win approval of Mr. Hsia's extradition to the United States.

Thailand submitted its first request under the new Mutual Legal Assistance Treaty in December, 1993. The request involved the investigation of an embezzlement involving the Thai Boil Mfg. Co. in Bangkok, and sought bank records and witness interviews in ten separate jurisdictions, with the first interview scheduled for less than three weeks from the date of the request. OIA coordinated the successful execution of this request in spite of the short notice, with the result that the defendants pled guilty in February, 1994.

During the weeks of January 24 and January 31, 1994, two Italian trials and two Italian investigative interviews were held at the U.S. District Court in Washington, D.C. in the Giuseppe Lucchese and Michelle Greco Mafia cases. Each case required the presence of Italian judges, prosecutors, defense attorneys and juries.

From May 16-18, 1994, an Italian court comprised of three judges, in addition to two prosecutors and 21 defense attorneys, took trial testimony in the U.S. District Court for the Eastern District of Virginia in the Balsano case. This narcotics prosecution is part of the Italian participation in Operation Green Ice.

On December 6, 1993, the Austrian government transferred over one million dollars from an Austrian bank account to a U.S. Government account in the case of Chris Niaccaris case, who, with a codefendant, pled guilty in the Northern District of California to money laundering and narcotics trafficking offenses.

On December 2, 1993, authorities of the Czech Republic extradited Paul Kevin Knutson to the United States pursuant to an OIA request. Mr. Knutson was wanted to stand trial in the Eastern District of California for his involvement in smuggling hashish hidden in mountain climbing ropes imported from the Far East.

British national Casey Abarsonye, wanted to stand trial in the Eastern District of New York for conspiracy to import heroin, was surrendered to U.S. authorities on February 5, 1994, in Sofia, Bulgaria. Mr. Abarsonye is accused of conspiring to import heroin into New York from Thailand via Bulgaria. He is the first fugitive extradited from Bulgaria to the United States under the bilateral extradition treaty of 1924.

On February 12, 1994, Canadian national Alain Strong was provisionally arrested in the Netherlands on behalf of the United States. Mr. Strong, who has been identified as a hitman for a Canadian drug smuggling group, is wanted to stand trial in the state of Florida and the Northern District of Florida. In the federal case, Mr. Strong is charged with conspiracy to import and distribute marijuana and cocaine. Mr. Strong also faces Florida charges of armed robbery, attempted murder, and murder in the first degree.

On August 23, 1994, Nigerian Government surrendered Henry Lofi Solomon, Roseline Adejumo Solomon, and John Okpala, all of whom are wanted to stand trial in the District of Maryland for drug offenses. The Solomons, who are husband and wife, and Mr. Okpala, are all major heroin traffickers.

On Friday, August 26, 1994, Deputy US Marshals escorted Eduardo Llanos and Stacey Dean Howard back to the United States from Jamaica. Mr. Llanos is wanted to stand trial in the Southern District of New York for large-scale cocaine importation. Mr. Howard is wanted to stand trial in the State of Texas for murder.

At OIA's request, Cayman Islands officials froze \$1.1 million in drug proceeds in connection with drug trafficking charges filed against Ora and Charles Kubosh in the Northern District of Texas. The funds were repatriated to the United States District Court pursuant to a plea agreement, and the United States agreed to share a portion of the forfeited funds back with the Cayman Islands in recognition of their cooperation.

Organized Crime

Kwok Ling Key, aka "Ah Key," was extradited from Hong Kong today along with another fugitive, Li Xing Hua. Mr. Kwok is the leader of a notorious street gang in New York's Chinatown known as the Fuk Ching Gang, and Li is a fellow gang member. Mr. Kwok and Li are charged in Southern District of New York with a variety of offenses, including RICO, murder, arson, extortion, and assault with a dangerous weapon. Mr. Kwok is expected to plead guilty to six murders. In addition to violent crimes, the Fuk Ching Gang has been linked to large-scale alien smuggling operations involving illegal immigrants from Fujian province in China.

OTHER SERVICE INITIATIVES

As one of the few Criminal Division components which works closely with Federal, state, and local prosecutors daily, OIA has initiated an ambitious customer service program, which features two different periodic electronic newsletters, a research database that has been replicated at key United States Attorneys' Offices, and visits to federal, state, and local prosecutors to conduct orientation seminars on how to access and use OIA services. The designation of International and National Security Coordinators in each United States Attorneys Office is the centerpiece of this "outreach" effort, but there is substantially more than this component. OIA has arranged to publish informative articles in newsletters and magazines issued by the National Attorneys General Association and the National District Attorneys Association.

Internal Security Section

The Internal Security Section (ISS) Espionage Unit has counseled and coordinated the activities of several agencies engaged in the investigation of the European-based espionage ring led by former U.S. Army Sergeant Clyde L. Conrad. For more than a dozen years, Conrad and his confederates, including two couriers residing in Sweden, sold hundreds of highly sensitive NATO defense plans to Hungary. Section attorneys met frequently with the German prosecutors (who secured Conrad's conviction), and intelligence and law enforcement officials of other countries to ensure the comprehensive resolution of the investigation. An extensive grand jury investigation conducted jointly by Section attorneys and the U.S. Attorney's Office in Tampa, Florida led to the indictment for espionage of Roderick Ramsey, Conrad's chief supplier of classified documents, and the arrests of U.S. Army Sergeants Jeffrey S. Rondeau and Jeff Gregory, who are awaiting trial. Ramsey has pled guilty and been sentenced to 35 years' imprisonment. Section attorneys supervised the investigation and prosecution of former CIA employee Virginia Baynes, who furnished classified documents to Joseph Garfield Brown for delivery by Brown to officials of the Philippine government. Baynes and Brown entered guilty pleas and were sentenced to terms of 41 months and 70 months, respectively. In a separate, but similar case supervised by the Section, former Defense Intelligence Agency analyst Frederick C. Hamilton pled guilty to delivering classified documents to foreign agents and was sentenced to 37 months. Section attorneys also supervised the investigation and prosecution of Stephen J. Lelas, a State Department communicator, for espionage on behalf of Greece. Lelas was sentenced to 14 years.

The Export Control Enforcement Unit: On March 25, 1993, Baxter International, Inc., pled guilty to charges that the corporation furnished information to the Arab League boycott authorities concerning its business dealings in and with Israel in an effort to obtain removal from the blacklist. Baxter paid \$6.5 million in criminal and civil fines and suffered the loss of some export privileges for two years. On August 26, 1992, seven members of the Provisional Irish Republican Army (PIRA) were charged with conspiracy and substantive violations in connection with the exportation of bomb detonators, a Stinger missile and other war materials to PIRA in Northern Ireland. This case is in pretrial proceedings. On June 17, 1993, three Chinese resident aliens were convicted on conspiracy and substantive charges of

exporting a large quantity of image intensifier tubes used in night vision equipment to the People's Republic of China, in violation of the Arms Export Control Act and related statutes. The principal defendant, Bin Wu, was sentenced to 10 years' imprisonment, and the other two defendants received sentences of 6 years' and 3 years and 5 months imprisonment, respectively. The court also ordered the forfeiture of \$460,000 and various equipment used in the illegal enterprise. On May 26, 1993, a grand jury in Miami, Florida, returned a twenty-one count indictment charging Carlos Cardoen, an international arms dealer, several corporations owned by Cardoen, a U.S. corporation and four individuals with violations of the Arms Export Control Act and related offenses, for exporting from the United States 130 tons of zirconium and fuse components for use in the manufacture of cluster bombs which were exported from Chile to Iraq. This case is in pretrial proceedings. On July 13, 1993, in Chicago, Illinois, Bajro Iukic and several other defendants entered guilty pleas to a violation of the conspiracy statute in connection with a scheme to export over 300 handguns from the United States to the Croatian forces in Yugoslavia. On June 30, 1993, Aero Systems, Inc., and its subsidiaries entered guilty pleas to violations of the Arms Export Control Act for exporting a large quantity of Hawk missile components and military aircraft parts to Iran between 1983 and 1986. The corporation was fined \$200,000. This fine is in addition to a \$410,000 fine which Aero Systems, Inc., paid in April 1993 for exporting approximately \$1 million worth of components for inertial navigation systems to Iran between 1984 and 1987. On July 8, 1993, a grand jury in Boston, Massachusetts, returned an indictment against Fiber Materials, Inc., and two senior corporate officials for exporting to India in 1988 a control panel used in the manufacture of missile nosecones, in violation of the Export Administration Act. This case is in pretrial proceedings. On February 2, 1993, a U.S. businessman and two Canadian companies were indicted for violations of the International Emergency Economic Powers Act and the money laundering statute for exporting over \$500,000 worth of agricultural equipment to Libya. This case is in pretrial proceedings. On Monday, December 13, 1993, a grand jury in the District of New Jersey returned two separate indictments in a case involving a scheme by officials of Rexon, Inc., of New Jersey and Ortech, Ltd., of London, England to export 300,000 fuse subassemblies and components, valued at approximately \$3.7 million, to Iraq in 1989 and 1990. This case is in pretrial proceedings.

The Graymail Unit coordinated the use of the Classified Information Procedures Act (CIPA) in 36 cases during 1993. The Registration Unit assisted the United States Attorney's office in Denver in a grand jury investigation, which resulted in the return of an indictment charging three individuals with conspiracy to defraud the United States and to violate the Foreign Agents Registration Act (FARA), and several substantive tax counts in connection with their alleged undisclosed representation of the Government of Kuwait. The Registration Unit is currently assisting that office in responding to pretrial motions and in preparation for the trial of the case.

ISS has established a liaison relationship with the International Atomic Energy Agency (IAEA) and the United Nations Special Commission on Iraq so as to complete all logical investigation of potential violations of U.S. export control laws by individuals and firms involved in the Iraqi procurement network.

ISS will continue to participate as instructors in the training of U.S. customs Agents at Strategic Investigation

Training Seminars in Glynco, Georgia. Customs will conduct approximately five sessions, with 20 agents at each session, in 1994.

ISS is preparing a manual on the prosecution of cases under the neutrality laws. We have seen a resurgence of unlawful activities by anti-Castro forces in Florida, and the break-up of the Soviet Union may also lead to neutrality violations by other dissident groups. In this connection, we will be discussing the need for amendments to existing neutrality legislation with the Office of Legislation.

ISS is working closely with the FBI and the Office of International Affairs to obtain from the German government the files of the former East German intelligence service which are relevant to a number of unresolved foreign counterintelligence investigations. In addition, similar efforts are being undertaken to identify intelligence officers who operated against U.S. interests, and obtain their voluntary statements or their compelled testimony pursuant to letters rogatory.

ISS' proposed regulations to establish fees under the FARA in accordance with the provisions of Title I of Public Law 102-195, which authorizes the Attorney General to establish and collect fees to recover the cost of administering the Registration Unit, were published in final form in the Federal Register in July with an effective date of August 11, 1993. As of January 4, 1994 over \$280,000 has been generated under this program.

ISS will submit to Congress, as part of the Department's legislative package, our Proposed Bill to Amend FARA. ISS has worked closely with the Office of the Attorney General and the White House Domestic Policy Office to clarify and strengthen the registration and disclosure requirements of the Lobbying Disclosure Act of 1993. This legislation was introduced in February 1993 by Senator Carl Levin and Congressman John Bryant.

Office of Special Investigations

The Office of Special Investigations is experiencing an increase in workload partly occasioned by requests for assistance received from the Governments of Canada and Great Britain where similar units have been formed to investigate war criminals. Cases which the Office of Special Investigations regards as final dispositions, because the individuals have departed the U.S. pursuant to consent agreements or extradition, continue to require an inordinate expenditure of resources because of the subjects' efforts to revoke their consent agreements or contest the extradition order. The dissolution of the communist rule in eastern and central Europe has enhanced the Office's access to key archives in Russia, Ukraine, Belarus, and the Baltic countries and has significantly increased the unit's investigative and litigative workload.

Terrorism and Violent Crime Section

CS2

During FY 1993 and FY 1994, the Section has had several major accomplishments in terrorism. The Section continues to work with the U.S. Attorney's Office in the District of Columbia, the FBI, and Scottish investigators and prosecutors to develop additional evidence against the two indicted defendants and others believed to have been involved in the bombing of Pan Am Flight 103 over Lockerbie, Scotland.

On July 16, 1993, Omar Mohammed Ali Rezaq was indicted and arraigned in the District of Columbia on charges related to the 1985 hijacking of an Egyptair flight that was en route from Athens to Cairo, Egypt. On November 23, 1985, Egyptair Flight 648, with three Americans aboard, was diverted to Malta, where Rezaq identified the American and Israeli passengers and shot them in the head. An American woman and an Israeli woman were murdered; three other persons, including the other two Americans, were also shot. The Section engaged, together with other pertinent agencies, in an intensive effort to obtain Rezaq's presence in the United States following his release from prison in Malta, where he served a sentence of only seven years following his conviction on murder and firearms charges related to this incident. Rezaq is being held without bond pending trial in this case, which is a joint prosecution with the U.S. Attorney's Office for the District of Columbia.

On June 18, 1993, the successful conviction of Mohammed Rashid was affirmed in an appeal proceeding in Greece that commenced on March 10, 1991. The appeal was in effect a trial de novo of Rashid, who was convicted in a Greek criminal court of murder and other offenses as the result of his involvement in the August 1982 bombing of a Pan Am airliner en route from Tokyo to Honolulu. The Greek prosecution, which was initiated after Greece declined to extradite the defendant to the United States, relied entirely on evidence developed by the FBI and Criminal Division prosecutors. A Criminal Division attorney was present at the proceedings. All witnesses who were called to testify were from the United States.

On July 26, 1994, three defendants pled guilty in the Eastern District of Missouri to a RICO conspiracy based on their involvement in activities in support of Abu Nidal, a dangerous international terrorist organization.

The Terrorism and Violent Crime Section continues to support the efforts of the FBI and U.S. Attorney's Office in the prosecution of Egyptian Sheik Omar Ahmad Ali Abdel Rahman. Rahman and 14 other defendants are charged by indictment with conspiracy to levy a war of urban terrorism against the United States. The Section also has provided support to federal agencies involved in the investigation into the fatal shooting outside the CIA and the attempt to apprehend the defendant.

On October 16, 1992, two Panamanian nationals were indicted on charges that included murder and conspiracy to murder a U.S. national. The charges involved a shooting into a U.S. military vehicle in Panama on June 10, 1992, that left one soldier dead and one wounded. On April 9, 1993, an indictment was returned charging a member of the international terrorist organization, the Japanese Red Army, with murder of a U.S. national in connection with the April 14, 1988, bombing of a USO club in Naples, Italy. The bombing caused the deaths of an enlisted Navy woman and four Italian

citizens. Both cases are being handled jointly by attorneys from the Terrorism and Violent Crime Section and the U.S. Attorney's Office for the District of Columbia.

During FY 1993 and 1994, the Section also has had major accomplishments in the area of violent crime. Twelve defendants were indicted in Waco, Texas, for their roles in the shootout with federal agents on February 28, 1993, that resulted in a 51-day standoff with federal agents. On September 9, 1993, Kathryn Schroeder pled guilty to aiding and abetting in forcibly resisting federal law enforcement officers, agreeing to cooperate in the prosecution of the remaining defendants. Schroeder later was sentenced to three years' imprisonment. On February 26, 1994, five defendants were convicted by a jury of aiding and abetting the involuntary manslaughter of ATF agents. The five defendants and three others were convicted of federal firearms offenses. Those defendants received sentences ranging from five to forty years. The Criminal Division had supervisory responsibility over this prosecution. A TVCS attorney has been detailed to the prosecution team.

A Section attorney is serving as the lead prosecutor in the investigation and prosecution of persons responsible for a fatal mail bombing in Alaska which was aimed at killing the key witness in a state homicide trial. Four people were indicted for that crime in April 1992. Three defendants have pled guilty and a fifth defendant was indicted for his role in the bombing conspiracy. Trial for the two remaining defendants is scheduled to commence on February 6, 1995.

On April 29, 1993, after a twelve-week trial, two defendants were convicted for their roles in the assassination of the first elected president of Palau, a U.S. Territory in the Western Pacific. A Section attorney was named interim special prosecutor for Palau in order to try this case. John O. Ngiraked, a prominent politician in Palau, and his wife, Emerita Kerradel, were convicted of first degree murder for the assassination of President Haruo I. Remelilik. The evidence showed that Ngiraked and his wife initiated, planned, and paid for this assassination. Ngiraked is former president of the Micronesian Constitutional Congress and a former political opponent of Remelilik, having run twice for the presidency of Palau, most recently in 1988 after Remelilik's death. The two defendants were sentenced to life imprisonment.

The Section continues to handle a case against seven defendants indicted for having conspired to assassinate the United States Attorney for the District of Oregon. At the time the indictment was returned, all defendants resided outside the United States. Two have subsequently been returned to the United States and have entered guilty pleas. Extradition proceedings resulted in the return of two additional defendants from England to the United States. Their trial is now scheduled for June 13, 1995.

On March 1, 1994, the Attorney General and the Vice President announced the Administration's Anti-Violent Crime Initiative. In the Criminal Division, TVCS is coordinating the initiative, under which each U.S. Attorney is working with federal, state, and local prosecutors and law enforcement officials to address the most serious violent crime problems in their communities. The objective of the initiative is to develop community-based strategies in every

district that utilize federal tools, such as pretrial detention and investigative grand juries, witness protection, and federal statutes, to enhance the effectiveness of federal, state, and local prosecutive efforts.

In connection with the initiative, the Section responds to a growing demand for assistance in the area of violent crime and gang prosecutions. The Terrorism and Violent Crime Section is working with federal prosecutors and law enforcement agencies to develop effective strategies in violent crime and gang prosecutions and to maximize the use of federal statutes to achieve prolonged incarceration of violent offenders. In June 1993 and in May 1994, the Section participated in a violent crime conferences for federal prosecutors. The Section was involved in the development of those conferences, as well as in the development of a November 1994 conference on prosecuting violent crime in Indian country.

For all assigned statutory areas, the Section provides legal advice to federal prosecutors, develops policy guidance and training programs as needed, and formulates legislative proposals to address statutory weaknesses or omissions. In June 1992, the Section published a Federal Firearms Manual for federal prosecutors that addresses the many complex issues that arise in firearms cases. Section attorneys are in the process of updating the firearms manual, and preparing additional manuals on prosecutions related to gang violence and murder-for-hire.

Workload:

(Some 1993 actual workload figures may not correspond with the actual figures exhibited in the 1995 President's Budget Request. After further research, the actual figures for 1993 are more accurately reflected in this year's budget.)

Item	1993	1994	1995	1996
<u>Office of International Affairs</u>				
Federal/State Extradition Requests:				
Requests Pending, Beginning of Year..	1,407	1,610	1,847	2,147
Requests Received.....	625	617	600	600
Requests Closed.....	369	380	300	300
Requests Pending, End of Year.....	1,663	1,847	2,147	2,447
<u>Foreign Extradition:</u>				
Requests Pending, Beginning of Year..	413	501	592	692
Requests Received.....	281	289	300	300
Requests Closed.....	193	198	200	200
Requests Pending, End of Year.....	501	592	692	792

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Item	1991	1994	1995	Estimates 1996
Federal/State (Exclusive of OCDETF Related Requests):				
Requests Pending, Beginning of Year..	962	957	1,212	1,512
Requests Received.....	484	506	600	600
Requests Closed.....	489	282	300	300
Requests Pending, End of Year.....	957	1,181	1,512	1,812
U.S. Legal Assistance:				
Requests Pending, Beginning of Year..	720	742	995	1,095
Requests Received.....	498	606	500	500
Requests Closed.....	476	353	400	400
Requests Pending, End of Year.....	742	995	1,095	1,195
Internal Security Matters:				
Pending, beginning of year.....	310	380	450	508
Opened.....	310	330	318	312
Closed.....	260	260	260	260
Pending, end of year.....	380	450	508	560
Internal Security Cases (Lead prosecution):				
Pending, beginning of year.....	61	70	79	86
Opened.....	48	48	46	44
Closed.....	39	39	39	39
Pending, end of year.....	70	79	86	91
Disposition of defendants in Internal Security cases litigated:				
Convictions.....	43	47	45	45
Acquittals/dismissals.....	10	11	11	11
Other dispositions (transfers to U.S. Attorneys, deaths).....	3	5	5	5

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Item	1993	1994	Estimates 1995 1996
Office of Special Investigations			
Matters:			
Pending, beginning of year.....	421	360	345 315
Opened.....	41	28	25 20
Closed.....	102	43	55 70
Pending, end of year.....	360	345	315 265
Office of Special Investigations			
Cases (lead prosecution):			
Pending, beginning of year.....	25	21	20 21
Opened.....	6	7	8 7
Closed.....	10	8	7 10
Pending, end of year.....	21	20	21 18
Disposition of defendants			
in Office of Special			
Investigations cases litigated:			
Convictions.....	9	6	7 8
Acquittals/dismissals.....	1	0	0 0
Other dispositions (transfers to			
U.S. Attorneys, deaths).....	0	2	0 2
Terrorism & Violent Crime matters:			
Pending, beginning of year	19	8	11 18
Opened	4	4	10 12
Closed	15	1	3 10
Pending, end of year	8	11	18 20
Terrorism & Violent Crime			
Cases:			
Pending, beginning of year	16	19	20 22
Opened	8	4	6 8
Closed	5	3	4 6
Pending, end of year	19	20	22 24

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Item	Estimates			
	1993	1994	1995	1996
Disposition of defendants in Terrorism & Violent Crime Cases litigated:				
Convictions	8	...	...	16
Acquittals/dismissals	4	...	...	4
Other dispositions (transfers to U.S. Attorneys, deaths)	...	...	...	...

	FY 1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Estimates by budget activity												
Criminal Matters												
Litigation Support	145	149	15,504	143	148	16,409	143	148	16,409	..	..	..

Long Range Goal: To secure appellate judicial decisions in criminal cases favorable to the United States, implement forfeiture laws as a means of disrupting criminal activities, and to provide central coordination for electronic surveillance and witness protection.

Major Objectives:

Appellate Section

To assist the Solicitor General by preparing draft briefs in opposition, merits briefs, and petitions for certiorari. The Appellate Section also screens certiorari petitions to determine whether the government should waive its right to file a response.

To assist United States Attorneys by presenting oral arguments and writing briefs, rehearing petitions, and mandamus petitions in the courts of appeals.

To assist in determining whether further review should be sought when decisions are adverse to the Government.

To advise the Assistant Attorney General on issues of law and policy and to provide any other requested assistance, including participating in sensitive district court litigation.

Asset Forfeiture Office

To exercise specific decision authority, including to make official use determinations regarding forfeited property as well as oversee official use policy; to consider transfers of forfeited property to non-participating Federal agencies; to decide requests to retain foreign counsel; to determine discontinuance of administrative forfeiture proceedings; and to decide requests for payment of EAJA awards.

To provide timely, accurate, and appropriate promulgation of information regarding asset forfeiture policies, procedures, and program initiatives.

To serve as the Department's forfeiture program contact for Congress, other Executive Branch agencies, and state and

local law enforcement agencies.

To initiate, coordinate, and review legislative and policy proposals regarding the asset forfeiture program.

To standardize procedures within the Asset Forfeiture program.

To oversee the Weed and Seed Initiative.

To coordinate dispute resolution including the preparation of recommendations to Departmental officials for decision, when necessary.

To coordinate preparation of reports to Congress regarding the asset forfeiture program.

To insure that the Department's Seized Cash Policy is compiled with to improve cash accountability and to minimize the risk of loss, misuse, or theft of funds.

To provide all federal prosecutors and law enforcement agencies with sound legal and strategic advice regarding domestic and international forfeiture matters.

To provide forfeiture advice and counsel to the Deputy Attorney General's Office and the Assistant Attorney General for the Criminal Division including recommendations on appeals in all judicial forfeiture cases.

To develop and recommend forfeiture litigation and program management policy to the Deputy Attorney General and the Assistant Attorney General.

To provide an available corps of litigators to handle forfeiture cases when needed but most particularly in cases with nationwide scope or significance.

To provide domestic and international forfeiture training to Assistant United States Attorneys, DOJ prosecutors and federal, state, local, and foreign law enforcement officials.

To publish materials to assist in the investigation and prosecution of forfeiture actions, and to promote communication between components of the asset forfeiture program through these publications and regional component meetings.

To monitor and process all equitable sharing requests in judicial forfeiture cases and to make recommendations to the Deputy Attorney General on equitable sharing requests in all cases with \$1,000,000 in assets and in all cases involving transfers of real property; to make recommendations to the Attorney General in all cases involving transfers of assets

to foreign governments; and to provide advice and policy guidance to United States Attorneys' Offices and law enforcement agencies on equitable sharing matters.

To decide all petitions for remission or mitigation in judicial forfeiture actions and to provide advice on how to make restitution to victims from forfeited assets.

To decide requests for restitution of forfeited property to victims or innocent persons in criminal forfeitures pursuant to a March 19, 1994, Delegation of Authority by the Attorney General.

To review and/or approve certain sensitive actions by United States Attorneys' Offices in forfeiture litigation to insure program integrity and compliance with Department policy.

To negotiate sharing agreements with foreign governments in conjunction with the Office of International Affairs and to otherwise take steps to promote cooperation in forfeiture matters between the United States and foreign governments.

Office of Enforcement Operations

To review and make expeditious recommendations to the Assistant Attorney General for authorization to conduct all federal electronic surveillance, pursuant to 18 U.S.C. 2516; comment upon and prepare government responses to suppression motions on electronic surveillance issues; provide training to United States Attorneys' Offices and investigative agencies in electronic surveillance matters; and provide legal advice and analysis on all electronic surveillance and related technical and telecommunications issues.

To make prompt authorizations or denials of persons into the Federal Witness Security Program, pursuant to 18 U.S.C. 3521; coordinate and administer a variety of complex and highly sensitive matters relating to all aspects of this Program; provide training to United States Attorneys' Offices and investigative agencies in Witness Security matters; provide legal advice and analysis in all Witness Security issues; review requests from federal agencies to use prisoners for investigative purposes; monitor information about threats to federal prosecutors; debrief protected witnesses who have completed testimony for which they entered the Program; and serve as ombudsman for all participants in this Program.

To approve or deny all applications for the transfer of prisoners, both into and out of the United States, under the provisions of the International Prisoner Transfer Program; and coordinate all such transfers with the appropriate federal agencies, state agencies and foreign governments.

To provide advice and guidance to the Assistant Attorney General, United States Attorneys, Administrative agencies and Congress on all issues relating to the Use Immunity Statute (18 U.S.C. 6001 et seq.) and the Fifth Amendment privilege against self-incrimination, and to review and make

recommendations on requests to immunize witnesses before federal courts, grand juries, administrative agencies and Congress.

To advise and assist the Assistant Attorney General and United States Attorneys' Offices on issues relating to the attorney client privilege, and to review and make recommendations to the Assistant Attorney General on requests to subpoena attorneys in matters relating to the representation of clients.

To efficiently review requests for the myriad of litigation support functions vested in the Legal Support Unit.

To coordinate responses to Freedom of Information Act and Privacy Act requests pertaining to Criminal Division records.

Base Program and Description:

Appellate Section

The Appellate Section performs three principal functions. First, Section attorneys brief and argue cases in the courts of appeals. In Fiscal Year 1994, they filed approximately 150 briefs in the circuit courts. This number is lower than usual because six section attorneys were detailed this year to special assignments (Damianjuk, BNL, the Office of Professional Responsibility, the Senate Judiciary Committee, a RICO investigation, and trial litigation in the Eastern District of Virginia) and were not able to handle their typical load of court of appeals cases. Second, Section attorneys prepare draft Supreme Court merits briefs, certiorari petitions, and briefs in opposition to certiorari for review by the Solicitor General. The number of Supreme Court filings was 444 during the Supreme Court's 1993 Term. Third, the Section's 22 attorneys write approximately 1200 adverse decision memoranda per year. Whenever the government loses a criminal case in either a district court or in a court of appeals, the Division must review the decision and recommend to the Solicitor General whether the government should appeal or seek rehearing en banc or certiorari, as appropriate. The Appellate Section drafts the Division's recommendations and submits them to the Solicitor General under the signature of the Assistant Attorney General.

In addition to these principal tasks, the Section gives legal advice to the Assistant Attorney General and to attorneys in the field. Also, the Section reviews approximately 2,000 criminal certiorari petitions each year, and, in conjunction with the Solicitor General, decides which petitions merit a response. And during the past year, the Section had primary responsibility for reopened denaturalization proceedings in the United States District Court for the Northern District of Ohio.

Asset Forfeiture Office

In October, 1989, the Attorney General established the Executive Office for Asset Forfeiture (EOAF) in the Office of the Deputy Attorney General. EOAF was established to provide strong central management to ensure the integrity of the

Program and to achieve the full law enforcement potential of the Asset Forfeiture Program. EOAF provided oversight, management and direction to the various participating components. In mid-December, 1994, EOAF's policy and oversight functions were transferred to the Criminal Divisions Asset Forfeiture Office. The functions transferred to AFO include the following major objectives.

The Asset Forfeiture Office (AFO) staff is divided into five basic groups: the Litigation Unit, the International Staff, the Training and Publications Staff, the Policy, Legislation and Legal Advice Staff, and the Equitable Sharing and Remission Petition Staff. AFO is responsible for the conduct of civil and criminal asset forfeiture litigation. AFO develops policies which incorporate asset forfeiture into an overall law enforcement program and which improve the existing practices regarding the management of seized and forfeited assets. Forfeitures are an important part of law enforcement because forfeiture allows the Government to confiscate property that law breakers use to commit crimes (i.e., the airplanes and boats they use to smuggle narcotics into the country and the cash they use to buy drugs for resale). By removing the fruits of crime (i.e., the stocks and bonds purchased with money traceable to lawbreakers to operate. By seizing the fruits of crime (i.e., the stocks and bonds purchased with money traceable to drug sales or a business acquired by a pattern of racketeering activity), forfeitures further deter lawbreaking by taking the profit out of crime. Forfeiting criminal profits also promotes justice because criminals should not economically benefit from their violations.

To the extent forfeiture is becoming increasingly available for white collar crime, forfeiture helps secure restitution for victims of crime as well.

Office of Enforcement Operations

The function of the Office of Enforcement Operations (OEO) is to oversee, within the constraints of law and Department policy, the effective use of the most sophisticated investigative tools at the Department's disposal -- including electronic surveillance, witness security and relocation, threats on prosecutors, covert activities involving federal prisoners and protected witnesses, and authorization of witness immunity. The Office is also organized to provide the United States Attorneys' Offices and the various components of the Criminal Division with a wide range of litigative assistance and prosecutive support. Its functions are as follows:

- (1) Electronic Surveillance. The Office reviews all requests for electronic surveillance pursuant to 18 U.S.C. 2510 et seq., in federal investigations and recommends approval or disapproval to the Assistant Attorney General. In addition, OEO attorneys provide training, legal and policy advice and litigation assistance on electronic surveillance and related telecommunications matters to the U.S. Attorneys' Offices and federal law enforcement agencies, and perform a myriad of other functions relating to coordination and implementation of electronic surveillance law and policy in federal investigations.
- (2) The Assistant Attorney General of the Criminal Division has delegated to the Office of Enforcement Operations

final decision authority for the following activities:

a. Witness Security and Relocation. The Office is responsible for approving or disapproving all requests for Witness Security Program (WSP) services, and coordinating all activities among the various components and agencies relating to the WSP, including coordinating movements and activities of the witnesses, acting as ombudsman for all concerns, and serving as principal advisor to the Bureau of Prisons, the United States Marshals Service (USMS), and others on Program issues.

The Office, in conjunction with the USMS, administers the ongoing pilot Short-Term Protection Program (STPP), a joint effort with the United States Attorney's Office (USAO), District of Columbia, and the Metropolitan Police Department, to respond to the need for protection of witnesses against street gangs and the violence and danger they pose. The STPP does not provide a new identity to the witnesses nor does it provide some of the other services provided to those authorized for "full" services of the Program.

In addition, the OEO in connection with the Limited Services Protection Program, authorizes witnesses to receive services similar to those provided through the STPP, but for cases originating in other parts of the country.

The Witness Debriefing Program will provide for debriefing of certain federal witnesses to provide law enforcement with the full range of the witness' knowledge of criminal activity, outside the scope of the case(s) for which the witness entered the Program.

b. Threats on Prosecutors. The Office monitors information about, and coordinates, all matters relating to threats made on federal prosecutors and Criminal Division personnel including authorizing protection by the USMS, if warranted. The Office also authorizes the expenditure of USAO funds to temporarily relocate threatened federal prosecutors and their families.

c. Consensual Surveillance. The Office approves consensual electronic surveillance of face to face conversations requested by federal investigative agencies in criminal investigations involving certain designated sensitive cases.

d. Video Surveillance. The Office reviews and approves all requests from federal investigative agencies to engage in consensual closed circuit television during investigations and authorizes the seeking of court orders for the use of closed circuit television in non-consensual situations in which a right to privacy is present.

e. International Prisoner Transfer. The Office reviews and approves or disapproves requests for the transfer of American prisoners from foreign countries to the United States for service of their sentences, as well as requests for the transfer of foreign prisoners from American prisons to their own countries. This activity is mandated by treaties and authorized pursuant to 18 U.S.C. 4100-4115.

f. Covert Activities Involving Federal Prisoners and Protected Witnesses. The Office reviews and approves, when

appropriate, all requests from investigative agencies to use federal prisoners and present and former protected witnesses in an undercover capacity; and, in the case of prisoners, makes the appropriate recommendation to the Director of the Bureau of Prisons.

g. Victims Compensation Program. The Office administers the Victims Compensation Fund created by 18 U.S.C. 3525, which provides for limited federal compensation to victims of certain crimes committed by some Witness Security Program participants.

h. Hypnosis. The Office reviews and approves or disapproves all requests to hypnotize witnesses in federal investigations.

(3) Immunities. The Office provides advice to the Assistant Attorney General, United States Attorneys, Administrative agencies and Congress on all issues relating to immunity under the statute (18 U.S.C. 6001 et seq.) and the Fifth Amendment, including non-statutory, or informal, immunity. The Office reviews all immunity requests under the statute and makes recommendations to the Assistant Attorney General of the Criminal Division on all requests on matters assigned to the Division. Finally, the Office maintains the Government's records on all immunities under the statute.

(4) Alias Passports. The Office authorizes the use of "alias" passports in overseas undercover operations for all federal enforcement undercover agents except Federal Bureau of Investigation agents. After review, the Division requests issuance of the documents by the State Department for use in connection with the undercover investigations for specified time periods.

(5) Victim and Witness Assistance. The 1991 Attorney General Guidelines for Victim and Witness Assistance (Guidelines) established procedures to comply with the requirements of the Victim and Witness Protection Act of 1982 and the victims rights provisions contained in the Crime Control Act of 1990. The Office serves as the Criminal Division Coordinator to ensure compliance with these Guidelines by all Division components.

(6) Attorney Subpoenas. The Office provides advice to the Assistant Attorney General of the Criminal Division and to United States Attorneys' Offices on attorney-client issues, and reviews and makes recommendations to the Assistant Attorney General of the Criminal Division on all applications to subpoena attorneys in matters relating to the representation of clients. The Office maintains statistics for this program.

(7) Grand Jury Disclosure. Under Rule 6(e)(3)(C)(iv) of the Federal Rules of Criminal Procedure, the Office reviews, evaluates and makes recommendations to the Deputy Assistant Attorney General concerning all requests to disclose grand jury information obtained by a federal investigation to state or local investigators to assist them in their investigations.

(8) Press Subpoenas. Under 28 C.F.R. 50.10, in certain cases, the authorization of the Attorney General is required before a member of the news media may be subpoenaed, questioned, arrested, or indicted. The Office gives

advice on the subject and reviews those requests made by United States Attorneys in criminal cases.

(9) Subpoenas to Department Employees. Pursuant to 28 C.F.R. 16.21, *et seq.*, when a Department employee is subpoenaed or production of Department records is sought in a federal or state proceeding, authority must be granted for such testimony or production. The Office reviews and evaluates the circumstances to determine whether testimony should be given or production made, or a motion to quash should be filed.

(10) Dual Prosecution Policy. This Office provides advice to the Assistant Attorney General of the Criminal Division and to United States Attorneys' Offices on all issues arising under the Department's Policy of dual prosecution policy, and reviews and makes recommendations to the Assistant Attorney General on all requests raising such issues, including requests for a waiver of the policy.

(11) Electronic Surveillance Checks. A defendant may move pursuant to 18 U.S.C. 3504 for a check as to whether he has been the subject of unlawful electronic surveillance. The Office processes all such requests and obtains responses from the appropriate investigative agencies.

(12) Right to Financial Privacy Act. Under 12 U.S.C. 3402, *et seq.*, the government may obtain financial records from a financial institution after complying with the procedures of the Right to Financial Privacy Act. The Office supervises implementation of the Act and advises on its procedures.

(13) Third Party Searches. Under 28 C.F.R. 59, a disinterested third party physician, lawyer, or clergyman cannot be the subject of a search warrant in a criminal case without the authorization of a Deputy Assistant Attorney General. The Office gives advice on the subject and reviews such search requests.

(14) Tax Disclosure. The Office gives advice government-wide and processes requests by Criminal Division components for access to income tax returns and return information in non-tax cases under 26 U.S.C. 6103(i)(1) and (2).

(15) Court Closings. Under 28 C.F.R. 50.9, no Department attorney can move for, or acquiesce in, the closing of a court proceeding without the approval of either the Deputy or Associate Attorney General. The Office gives advice on the question of the court closing regulations and reviews requests on the subject from United States Attorneys in criminal cases.

(16) Designation of Investigative Agents as Deputy United States Marshals. The Office reviews all requests from federal investigative agencies for appointment of individual agents as Deputy United States Marshals (affording them law enforcement powers) and recommends approval or disapproval.

(17) Legislative Files. The Office maintains files on all responses made by the Criminal Division on proposed legislation pending in Congress relating to criminal law matters.

(18) Legislative Histories. The Office maintains and does research for the United States Attorneys' Offices, when

requested, in legislative histories. The histories are compiled for certain criminal statutes dating back to 1789. The Office has legislative histories for most criminal statutes beginning in 1940, and continuing through the present.

(19) Gambling Registration. The Office registers all manufacturers, repairers or sellers of certain gambling machines pursuant to the Gambling Devices Act of 1962, 15 U.S.C. 1771, *et seq.*

(20) Pre-Trial Diversion. The Office is responsible for responding to all inquiries from United States Attorneys' Offices about the Department's pre-trial diversion program pursuant to USAM 9-22.000 *et seq.*

(21) Resubpoening Contumacious Witnesses Before Successive Grand Juries. The Office reviews and makes recommendations to the Assistant Attorney General for the Criminal Division on requests to subpoena witnesses before another grand jury where such witnesses have already been held in contempt for refusing to testify.

(22) Approval to Resubmit the Same Matter to a Grand Jury. The Office is responsible for reviewing and making recommendations to the Assistant Attorney General for the Criminal Division to resubmit to a grand jury a matter that was previously the subject of a no bill.

(23) Multi-District (Global) Agreement Requests. This Office assists United States Attorneys' Offices in arranging for multi-district non-prosecution agreements and reviews and makes recommendations to the Assistant Attorney General on requests to approve of such agreements.

(24) Prosecution of Previously Immunized Witnesses. This Office advises United States Attorneys on all matters pertaining to Kastigar hearings and prepares requests for the Attorney General to prosecute such witnesses.

(25) Freedom of Information/Privacy Act. The Freedom of Information/Privacy Act Unit processes and responds to all requests under these two statutes for access to Criminal Division records. This activity is mandated by 5 U.S.C. 552 and 5 U.S.C. 552a. The Unit also handles special projects for the Criminal Division such as responding to the President John F. Kennedy Assassination Records Collection Act of 1992.

Accomplishments:

Appellate Section

Since 1993, the Appellate Section has prepared briefs in the courts of appeals and the Supreme Court on many important and recurring issues. For example, the Section has taken the lead in litigation over imposition of the death penalty in federal court. In *United States v. Chandler*, 996 F.2d 1073 (11th Cir. 1993), the Section handled the appeal of the first death sentence imposed under the 1988 statute authorizing the death penalty for murders committed during the course of certain drug-related offenses. The Eleventh Circuit affirmed the death sentence in a landmark decision and resolved in the government's favor several important issues of first impression. The Section also prepared the draft

response to Chandler's certiorari petition, which the Supreme Court denied. Recently, the Section filed a 200-page brief in United States v. Tipton, No. 94-4005 (4th Cir.), another case in which the death penalty was imposed. In Tipton, which was argued in December 1994, the court will address the constitutionality of the Department's regulations for implementing the death penalty. The Section is currently preparing a brief in United States v. McCullah, No. 93-7118 (10th Cir.), another death penalty case.

In addition, the Section has handled several cases before en banc courts on the issue whether courts sentencing a defendant under recidivist sentencing provisions may inquire into the validity of the defendant's prior convictions. In United States v. McGlocklin, 8 F.3d 1037 (6th Cir. 1993), the en banc court concluded that district courts have discretion to consider collateral attacks only in a very narrow range of cases. In United States v. Roman, 989 F.2d 1117 (11th Cir. 1993), the Section's brief convinced the Eleventh Circuit to hold that the Sentencing Guidelines do not allow a defendant to challenge a prior state conviction for the first time at a federal sentencing hearing. A Section attorney also prepared the draft brief in United States v. Custis, 114 S. Ct. 1732. In that case, the Supreme Court limited the instances in which an armed career criminal can challenge prior convictions at sentencing.

The Appellate Section obtained rehearing en banc in a Fifth Circuit case, United States v. Rodriguez-Rios, 14 F.3d 1040 (5th Cir. 1994), which presented an issue concerning the scope of the "exculpatory no" doctrine -- a judicially created exception to the false statements statute, 18 U.S.C. 1001, for those cases in which a defendant has given a simple negative response to a question by government agents. The en banc court adopted the Section's argument that there is no such exception to Section 1001. The Section also persuaded the Ninth Circuit to grant rehearing en banc in United States v. Gaudin, 28 F.3d 943, and to reconsider its rule that materiality is a jury question in a false statement prosecution under Section 1001. Although the en banc court narrowly rejected the Section's argument, the Supreme Court has granted a certiorari petition drafted by the Appellate Section in conjunction with the Solicitor General's office. A decision from that Court is expected within the next few months. Finally, in United States v. McRee, 7 F.3d 976 (11th Cir. 1993) (en banc), a Section attorney successfully argued that the proceeds of an erroneously issued IRS refund check represented government property for purposes of criminal prosecution under 18 U.S.C. 641, which prohibits the conversion of government property.

Other significant court of appeals cases handled by the Section include an appeal by one of the murderers of DEA Agent Enrique Camarena, United States v. Matta-Ballesteros, No. 90-50053 (9th Cir.). Also, in United States v. Faulkner, 17 F.3d 745 (5th Cir. 1994), the Section successfully handled the appeal in one of Texas's largest bank fraud cases, in which the defendants and others repeatedly "flipped" numerous parcels of land, grossly inflated land prices, and obtained land and construction loans from several local savings and loan institutions. These institutions eventually failed as a result. The Section briefed and argued United States v. Knox, 32 F.3d 733 (3d Cir.), on remand from the Supreme Court. This sensitive child pornography prosecution received widespread publicity when the Solicitor General asked the Supreme Court to vacate the Third Circuit's prior judgment affirming Knox's conviction. On remand to the Third Circuit, the Section was presented with the delicate task of explaining the Solicitor General's position to the court and at the same time trying to salvage the prosecution. Although the court of appeals disagreed with the Solicitor General's construction of the statute, it affirmed Knox's conviction. When Knox again petitioned for certiorari, the Section drafted the response, and, on January 16, 1995, the Supreme Court denied certiorari. In

addition, the Section filed a brief in the Seventh Circuit in United States v. Boyd, No. 93-3589, challenging a district court order granting a new trial to several members of the El Rukns, a Chicago gang that trafficks in narcotics and murder. Recently, three Section attorneys filed briefs in appeals rising out of one of the largest money laundering prosecutions ever brought. United States v. Saccoccia, Nos. 93-1617 & 93-1618 (1st Cir.). And in United States v. Plunk, No. 94-30421, the Section recently filed a brief seeking to limit the Ninth Circuit's expansive reading of the Double Jeopardy Clause in United States v. \$405,082.23, 33 F.3d 1210 (1994).

The Section has assisted the Solicitor General in preparing the following certiorari petitions and briefs in cases that will be resolved in October Term, 1994: Arizona v. Evans, No. 93-1660 (whether the exclusionary rule requires suppression of the fruits of an arrest based on an erroneous police computer record of a quashed warrant); United States v. Robertson, No. 94-251 (whether the evidence in a RICO prosecution was sufficient to establish the interstate commerce requirement); United States v. Aguilar, No. 94-270 (whether the defendant, a district court judge, violated the obstruction of justice and wiretap disclosure statutes); Reno v. Kozay, No. 94-790 (whether a defendant should receive credit toward his sentence for time spent on release on bail); Hubbard v. United States, No. 94-172 (whether the defendant's false statements fell within a judicial function exception to 18 U.S.C. 1001). In addition, during the past year the Section prepared draft briefs in the following cases that have already been decided by the Supreme Court: United States v. Mezzanatto, No. 93-1340 (Jan. 18, 1995) (a defendant may waive the protections of federal rules that render his statements during plea negotiations inadmissible at trial); Tong v. United States, No. 93-6892 (January 10, 1995) (out-of-court statements of a child sexual abuse victim were not admissible as prior consistent statements); United States v. X-Clament Video, No. 93-723 (Nov. 29, 1994) (rejecting claim that 18 U.S.C. 2522, the child pornography statute, is unconstitutional on its face); United States v. Shabani, 115 S. Ct. 382 (rejecting claim that the drug conspiracy statute requires proof of an overt act); Posters 'N' Things, Ltd. v. United States, 114 S. Ct. 1747 (upholding the constitutionality of the drug paraphernalia statute, 18 U.S.C. 857); Rison v. Demianluk, No. 93-1875 (declining review in case presenting question whether fraud on the court requires an intent to defraud); Staples v. United States, 114 S. Ct. 1793 (statute punishing possession of unregistered machinegun requires proof that defendant knew that firearm was, in fact, a machinegun); United States v. Granderson, 114 S. Ct. 1259 (construing 18 U.S.C. 3565(a), which requires the imposition of a sentence of "not less than one-third of the original sentence" when probation is revoked because of possession of a controlled substance); National Organization for Women v. Scheidler, 114 S. Ct. 798 (the RICO statute does not require proof of economic motivation); Ratzlaf v. United States, 114 S. Ct. 655 (the structured currency transaction statute, 31 U.S.C. 5324(3), requires proof that the defendant knew that it was unlawful to structure currency transaction in order to evade federal reporting requirements); Litky v. United States, 114 S. Ct. 1147 (a district court's evidentiary and procedural rulings in a case do not require recusal under 28 U.S.C. 455); United States v. Nichols, 114 S. Ct. 1921 (the district court did not violate the Constitution by considering the defendant's prior uncounseled misdemeanor conviction in determining his criminal history score under the Sentencing Guidelines); Shannon v. United States, 114 S. Ct. 2419 (the district court was not required to give the defendant's requested jury instruction on the effect of a verdict of not guilty by reason of insanity); Williamson v. United States, 114 S. Ct. 2431 (admission of an out-of-court statement by petitioner's accomplice as a statement against penal interest violated the Confrontation Clause).

Finally, this past year the Section had principal responsibility for handling the continuing litigation involving former

SS guard John Demjanjuk. The Section had primary responsibility for the proceeding before a special master to determine whether government attorneys committed fraud on the court during the denaturalization, deportation, and extradition proceedings against Demjanjuk. After nine months of hearings, the special master found that the government attorneys were principled and honest and conducted the litigation in good faith. He further found that every allegation of fraud was without merit. The Section also handled an emergency hearing in the court of appeals concerning whether the Attorney General should be required to allow Demjanjuk to return to the United States following his acquittal in Israel on charges that he murdered Jews at the Treblinka death camp. The Section also handled the briefing and argument before the court of appeals on the question whether the court should adopt the special master's report. The court of appeals adopted the special master's findings, but nevertheless held that the government attorneys committed fraud under an objective standard. The Section filed a petition seeking en banc review of that decision, and when that petition was denied, the Section prepared the draft petition for a writ of certiorari, which the Supreme Court denied in October 1994. The Section has also filed a motion to reopen the denaturalization judgment in the United States District Court for the Northern District of Ohio, and continues to represent the United States in that matter.

Asset Forfeiture Office

The following are some major accomplishments of the Asset Forfeiture Office (AFO):

o BCCI Forfeiture Litigation. The Asset Forfeiture Office has exclusive responsibility for the forfeiture aspects of the BCCI litigation since the U.S. District Court in the District of Columbia, in January 1992, ordered the Bank of Credit and Commerce International (BCCI) to forfeit all of its assets in the United States. As of the end of FY 1994, the District Court has issued three Orders of Forfeiture giving the United States title to assets with a total face value of \$552 million. To date, 140 claims by banks and other entities were filed in the ancillary proceedings in response to the three orders, and more are anticipated to be filed in response to a fourth order, which the court expected to issue in FY 1995. Each claim represents a distinct case filed by the various third party claimants asserting an interest in the forfeited BCCI asset. These claims generally involve complex banking and commercial law issues. Each claim must be carefully analyzed, researched, and variously grouped by the legitimacy and priority of the legal interests asserted. Initial determinations must then be made as to whether settlement should be pursued, and whether there are grounds for summary dismissal of the claim. To accomplish this, a substantial number of financial records have to be examined. The government filed motions to dismiss almost all of the claims and has been successful in all that have been litigated to date, but 68 claims, and six appeals from dismissals, remained pending at the end of FY 1994. When surplus assets from liquidation of BCCI S.A. New York are made available by the New York Superintendent of Banks, AFO will also seek the forfeiture of BCCI's share of the proceeds of the \$453 million sale of the stock of First American Bank some time in 1995. The litigation of the various claims, which will include lengthy hearings in some cases, and the litigation in respect to the identification and seizure of additional assets, will continue through FY 1995.

o United States v. Boegemann, et. al., Cr. No. B-93-0391, D. Md. AFO is co-counsel in an eleven defendant drug and money laundering case that was indicted in the District of Maryland in May 1994, and charges the criminal forfeiture of more than \$150 million. The sixteen count indictment charges four of the defendants with conducting a continuing

criminal enterprise involving the importation and distribution of more than 300,000 pounds of marijuana over a fifteen year period between 1978 and 1993. The indictment also charges four of the defendants with laundering the drug proceeds, including the lawyer of one of the defendants and a construction equipment retailer in North Carolina. The indictment contains multiple forfeiture allegations against numerous real properties including a parcel located in the U. S. Virgin Islands, bank accounts, domestic and foreign businesses, as well as a \$150 million proceeds judgment. The trial, which is set to commence on January 3, 1995, is expected to last six to eight weeks. Ancillary forfeiture litigation regarding the interests of third parties is expected to commence during FY 95 and last through FY 96. These third party claims are likely to result in the opening of at least twelve new cases.

o Bell Gardens Bicycle Club Litigation. In United States v. Benjamin Barry Kramer, et al., Case No. 87-879-CR-ROETTER (S.D. FL.), the Asset Forfeiture Office (AFO) has had responsibility for coordinating the forfeiture litigation efforts and providing business and management advice to the U.S. Attorneys' Offices for the Southern District of Florida and the Central District of California (USAOs) and their respective U.S. Marshals' Offices (USMS) involved in the case. In this litigation a controlling limited partnership interest in a joint venture known as the Bell Gardens Bicycle Club (Bicycle Club) was criminally forfeited and has resulted in one of the largest single asset seizures, worth, so far, over \$24 million in business profits over the last four years to the U.S. forfeiture program with the eventual sale value of the partnership interests expected to exceed \$17 million.

Over the last year, AFO has been actively involved in extended litigation regarding management of the business interests, including the appointment and supervision of trustees, obtaining court authorization to sell the partnership interests, and coordination of the actions by the Successor Trustee to have the General Manager of the Bicycle Club replaced for cause as ordered by the Court on August 2, 1994.

o Training and Publications. In FY 1994, the Asset Forfeiture Office organized and conducted 8 domestic training conferences with 100 to 200 students attending per conference. The Asset Forfeiture Financial Investigations Seminar, a new course of instruction for agents and prosecutors, was a tremendous success and involved every federal agency in the asset forfeiture program. This course incorporated complex financial investigative techniques with an asset forfeiture case study. Also included in these training courses, were three regional seminars involving representatives from all the federal agencies involved in the forfeiture program. These seminars, which were revised from the previous format of past years, required all federal law enforcement in a judicial district to develop a plan of action addressing asset forfeiture issues and concerns raised during the seminar and to organize and conduct a district-wide meeting. An equivalent level of training activity is anticipated in FYs 1995 and 1996 to include international training as well. AFO will continue EOAP's training in FY 1995 and FY 1996, including secondary training (providing lectures, etc.) for all levels, international, federal, state and local.

In addition to the training, the Asset Forfeiture Office has an extensive list of publications produced on a monthly, bi-monthly, and annual basis. With a mailing list of close to 3000 individuals, representing all the federal law enforcement agencies involved in the asset forfeiture program along with representatives from state and local law enforcement, the publications unit has grown tremendously and is projecting further growth in FYs 1995 and 1996. The *Quick Release*, a monthly publication that summarizes all federal forfeiture cases, and the *Asset Forfeiture News*, a bi-

monthly publication which highlights asset forfeiture news and policies, along with articles regarding issues of concern in forfeiture for prosecutors and agents, are two of the office's most important and visible publications. In FY 1995, the office will be distributing Volume II of the *Asset Forfeiture Manual* which will be a compilation of all the major asset forfeiture statutes, regulations, and guidelines. This will complete the three-volume *Asset Forfeiture Manual* set distributed to all federal agents and prosecutors involved in the asset forfeiture program. In FY 1996, AFO will continue EOAP's, along with the JMD Forfeiture Group, publication of various publications concerning and supporting the DOJ's asset forfeiture program.

o **Asset Forfeiture Bulletin Board (AFBB).** The AFBB became fully operational in FY 1994 and already has a user list totalling 300 prosecutors and agents. The success of the AFBB has been tremendous with contributions in legal pleadings, briefs, memoranda, and seminar outlines growing at a rapid pace. In fact, the AFBB is growing so quickly that major plans for expansion of the bulletin board hardware are projected for FYs 1995 and 1996. Access to all of the Department of Justice and the Department of the Treasury policy directives along with many agency's forfeiture manuals, have further contributed to the success and usage of the AFBB. A new program allowing an individual on the Eagle network to interface with the AFBB has also made this bulletin board more accessible and popular with the field.

o **ADP.** The Criminal Division is requesting \$45,170.68 for ADP equipment for FY 1996. Attached for your review is the proposed expenditures in the ADP category for FY 1996 (Attachment)

AFO's goal is to continue to upgrade existing ADP equipment to be compatible with the Justice Consolidated Office Network (JCON), which is projected to be in place by 1996. AFO's existing computer hardware continues to include slow, antiquated equipment. The 486-DX-33 computers will provide it with increased processing speed and storage capacity. As the volume and workload of the office has increased and the corresponding personnel has decreased or remained the same, the need to become more efficient has become critical for AFO to continue to be able to accomplish its mission. Replacing the older computers with the new 486-DX-33 computers will compensate in part for AFO's inability to hire additional personnel by enabling the existing staff to increase their work productivity.

Due to the changing needs of the criminal division, and AFO in particular, expenditures for AFO's 1995 budget could increase greatly from the 1994 budget to reflect the growth potential of the AFBB. The AFBB is a central repository for information relating specifically to asset forfeiture law. It provides examples or well-written pleadings, conference schedules, policies, and publications. Government attorneys and law enforcement personnel involved in asset forfeiture can dial into the AFBB, view the necessary documents, and download information pertinent to their needs. In short, the AFBB provides the attorney with important and necessary information in a matter of seconds.

The result is that by 1996 the ADP budget will be relatively small because by 1996 AFO's staff will not have increased greatly from its current numbers and the AFBB's needs will have stabilized. As always, the budget includes maintenance costs for the current ADP equipment in the office, hardware and software requests.

o **International Forfeiture.** It is expected that the Asset Forfeiture Office's international forfeiture activities will continue to expand in FY 1996. In FY 1994, the United States obtained authorization to transfer \$12.5 million to 8 countries.

Switzerland shared with the United States on three separate occasions totaling \$3.2 million. These proceeds, which were deposited into the Assets Forfeiture Fund, signify our contribution to Swiss forfeiture cases. During FY 94 the United States entered into a reciprocal asset sharing agreement with the Government of the Cayman Islands. Furthermore, negotiations to enter into a reciprocal asset sharing agreement with Canada has been scheduled for September 1994. Finally, the office continues to sponsor forfeiture conferences that are attended by the United States and foreign prosecutors and judges with forfeiture responsibilities. During FY 1993, AFO sponsored such a conference with officials from the Government of Switzerland. Unfortunately, DOJ did not conduct an international forfeiture conference in FY 94, however, we plan to sponsor a regional conference with several Asian countries during FY 95. Although not specifically planned, AFO will review this area and determine if and where additional international forfeiture training, will be conducted in FY 1996.

Office of Enforcement Operations

The Electronic Surveillance Branch's workload has continued to increase dramatically. In FY 1994, the Branch expects to review 1,000 requests to conduct electronic surveillance; the number is expected to increase to 1,100 in FY 1995, and it is likely that in FY 1996 the Branch will receive as many as 1,155 requests. With the Department's continued emphasis on white collar crime, drug enforcement, asset forfeiture, organized crime, and terrorism and violent crime, the workload in this Branch will increase even more in the outyears. These increases, combined with the passage of the Electronic Communications Privacy Act of 1986 (ECPA) and the enormous growth in the use of high-tech telecommunications, have generated significantly more activity in all areas of the Branch's responsibility.

In addition to reviewing all pleadings in support of electronic surveillance orders in federal criminal investigations and making recommendations to the Assistant Attorney General of the Criminal Division concerning the approval or denial of each electronic surveillance request, the Branch comments on and assists in preparing briefs and responses to suppression motions in electronic surveillance cases; reviews and approves pleadings in support of video surveillance orders; reviews and approves requests for consensual monitoring; provides litigation support and legal advice on electronic surveillance matters to the United States Attorneys' Offices, Criminal Division litigating sections, and federal law enforcement agencies; formulates policy on electronic surveillance issues in the area of developing telecommunications; coordinates electronic surveillance in multi-district, complex investigations; reviews and makes recommendations regarding requests for disclosure of electronic surveillance information for use in civil forfeiture cases; reviews proposed legislation and responds to Congressional inquiries regarding electronic surveillance; chairs two ongoing working groups: the Technology Working Group and the Legal Advisor's Working Group, which meet regularly to discuss issues involving sophisticated telecommunications developments and multi-district electronic surveillance-based investigations; serves as the liaison between the Criminal Division and other Justice Department components and other agencies on all matters involving the use of electronic surveillance for law enforcement purposes; coordinates the implementation of the ECPA with all United States Attorneys' Offices, federal law enforcement agencies, state and local legislators and law enforcement authorities; conducts on-site training for federal law enforcement authorities; supervises inmate telephone monitoring programs in the Bureau of Prisons; prepares annual reports to Congress; and is preparing the second volume of a comprehensive procedural manual on the use of electronic surveillance in federal investigations.

The Witness Security Branch (WSB) makes the final decision concerning whether a Witness Security Program (WSP) applicant will be admitted to the Program. This always has the potential to become a life and death decision; if a WSP applicant is not authorized for services, and subsequently provides valuable testimony to the government in a criminal case, the witness, and his or her family members, may be subjected to violent retaliation, including death, by the defendant(s). If the applicant is denied Program services, the government will not be able to present the strongest case and will risk losing the prosecution. Therefore, the WSB must weigh each application very carefully, taking into account the consequences of placing, or not - placing, witnesses and family members in the WSP, while remaining constantly aware of the Division and Department priorities and the limited resources of all components whose budgets are impacted by the WSP.

Since the inception of the WSP in 1972, there have been 6,430 primary Program participants along with 8,294 family members placed in the Program. The WSP is widely recognized as one of the most successful tools ever devised for use against complex, highly sophisticated organized crime. No participant who has followed WSP guidelines has been killed or seriously injured in the 25 years the Program has existed. The Witness Security Branch's workload continues to increase significantly each year. In FY 1996, the WSB expects to authorize 473 primary witnesses to participate in the federal WSP, and is planning to review, analyze, and make recommendations concerning 6,615 witness security matters. Approximately 347 prisoner investigative requests are expected to be reviewed by the end of the FY 1996. This will probably result in over 250 authorizations given to investigative agencies to utilize federal prisoners in undercover investigations.

Since the Branch expects to review and handle 6,615 witness security matters in FY 1996, this will represent an increase over similar matters in FY 1995. One reason for this increase is that as the Program continues to grow, the client base becomes increasingly larger, resulting in even more demands on the Branch's staff and other resources. The number of witnesses authorized into the Program in FY 1996 is expected to increase over the number of witnesses authorized in FY 1995. The Program continues to evolve in new directions in line with the Department's additional priorities. Whereas the Program historically has dealt with witnesses against traditional organized crime, it is expanding its focus to violent crime and other groups, while at the same time, continuing to provide one of the government's most effective weapons ever in the fight against the La Cosa Nostra. One initiative has been the Short Term Protection Program, a pilot program developed in FY 1992 in conjunction with the District of Columbia's United States Attorney's Office. This pilot was designed to respond to the need for protection of witnesses against street gang members and the violence and danger they pose. During FY 1993, the Branch expanded a modified version of the pilot nationwide, primarily to meet the challenges of protecting witnesses in such matters as Weed and Seed type cases, and violence related cases.

On August 4, 1994, the House Subcommittee on Crime held a hearing on witness intimidation. As the Department pursues the violent crime initiative, witness intimidation will increase, and the workload of the Witness Security Branch is expected to increase in all areas for FY 1996 and the outyears. This increase is expected to be significant beginning in FY 1995, at a time when WSB resources to handle it are decreasing.

The International Prisoner Transfer Unit (IPTU) developed an outreach program to advise federal inmates about the International Prisoner Transfer Program, and at the beginning of FY 1994, as many as 8,000 letters were disseminated to prisoners. These letters generated more than 3,000 requests to be reviewed for transfer by December 1993. For FY 1994, the

International Prisoner Transfer Unit (IPTU) has already approved and arranged for the transfer of 532 prisoners to or from the United States, and there is a backlog of 600 pending cases. The transfer of 532 prisoners constitute a 55 percent increase over FY 1993. There were transfers with Mexico, Canada, Panama, Netherlands, United Kingdom, Bahamas, Bolivia, Germany, Hong Kong, Thailand, Italy, Sweden, Gibraltar, Switzerland, Peru, Denmark, Spain, and Austria. In FY 1996, the workload of the IPTU will continue to grow because of the increased number of requests from states involved in international prisoner transfers. Also, the implementation of the sentencing guidelines resulted in an increase in the number of foreign nationals applying for transfer from the United States.

The Organization of American States (OAS) Convention is expected to be in force for the Central and South American countries, and the United States by FY 1996. The Convention allows Central and South American countries, which are not members of the Council of Europe, an opportunity to accede. Also, new countries will accede to the Council of Europe (COE) Convention. The COE Convention on the transfer of Sentenced Persons is extremely flexible; with the unanimous consent of the member countries, a non-member country may accede to be become a member of the Council of Europe. Therefore, although the United States may not negotiate new prisoner transfer treaties in the near future, it is likely to find itself entering into prisoner transfer treaty relations with an increasing number of countries. The Eastern European countries and countries from other parts of the world are expected to accede to the COE Convention. A significant number of new transfers are expected for the Eastern European countries, Central and South American countries, and the Department will be transferring more American prisoners back to the States in 1996 and the outyears. In FY 1996, the Department expects the workload for international prisoner transfers to increase in all areas by 30 PERCENT, and the outyears are likely to increase even more.

The Witness Immunity Unit is expecting to process 4,961 witness requests for immunity in FY 1995. The Unit also administers the Department's attorney subpoena program, and in FY 1996, is planning to process 680 such requests involving 990 attorneys. The workload is expected to increase in the outyears as other Office initiatives are implemented.

In FY 1996, the Legal Support Unit's workload is expected to increase in a number of significant areas. The number of press subpoena requests will increase by 5 percent over FY 1995; requests for approval to close judicial proceedings expected to increase 20 percent; grand jury disclosure requests will increase by 33 percent; subpoenas to Department employees will grow approximately 12 percent; and requests for Division approval to conduct third party searches will increase by 30 percent in FY 1996. The workload in the other diverse areas handled by the Unit will also increase in FY 1996 and the outyears.

The Freedom of Information and Privacy Act Unit has no control over the office caseload. That is determined solely by the number of requests submitted by the public. The requests fluctuate greatly during the year, but the trend is fairly consistent.

The Gambling Registration Unit has had a caseload increase of approximately 30% with regard to the Gambling Device Act of 1962 since fiscal year 1990. States have amended their gambling laws which require more persons or entities to register. Federal law has been enacted pertaining to gambling on cruise ships and gambling on Indian reservation. So far in FY 1994, the Unit has handled over 325 telephone inquiries from registrants and has responded to over 2,000 written requests for registration and the trend is likely to continue in FY 1996 and the outyears.

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Workload:

(Some 1993 actual workload figures may not correspond with the actual figures exhibited in the 1995 President's Budget. After further research, the actual figures for 1993 are more accurately reflected in this year's budget.)

Item	1993	1994	Estimates 1995 1996
Appellate Section			
Supreme Court:			
Briefs in opposition	491	411	500 500
Waiver of responses	1,674	2,021	2,000 2,000
Merit briefs and certiorari petitions	34	33	34 34
Court of Appeals:			
Briefs and Petitions	180*	160*	200 200
Adverse Decision Memoranda	1,265	1,145	1,200 1,200

The number of court of appeals cases handled in 1993 and 1994 dropped due to the detailing of five Section attorneys to the Dorianlux and ENL cases, and to the Office of Professional Responsibility and the Eastern District of Virginia. The Appellate Section ordinarily files approximately 200 court of appeals' briefs per year.

Item	1993	1994	Estimates 1995 1996
Asset Forfeiture Office			
Supreme Court and Court of Appeals:			
Main and reply briefs, oral arguments, or rehearing and mandamus petitions	10	12	14 21
Adverse Decision Memoranda	60	65	70 74

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Item	1991	1994	1995	1996
Petitions for Remission or Mitigation of Forfeiture*				
Pending, beginning of year	30	50	50	50
Opened.....	170	224	260	300
Closed.....	150	214	270	310
Pending, end of year	50	60	30	40
Asset Forfeiture: Legal Support Activity				
Miscellaneous (Approvals, Advice)	385	437	450	475
Offers in Compromise Reviewed	45	30	40	45
Review of Attorney Fee Matters	20	10	20	22
Training Seminars	12	10	12	12
Asset Forfeiture Office Cases, lead prosecutions:				
Pending, beginning of year	122	70	83	95
Opened.....	15	73	72	40
Closed.....	67	60	60	32
Pending, end of year.....	70	83	95	103
Asset Forfeiture Office Equitable Sharing Cases:				
Pending, beginning of year	3,628	3,483	3,658	3,855
Opened.....	2,574	1,841	2,117	2,435
Closed.....	1,525	1,670	1,920	2,208
Pending, end of year.....	4,677	3,658	3,855	4,082

	1993	1994	Estimates 1995 1996
Office of Enforcement Operations:			
Title III Applications Reviewed	1,000	1,050	1,100 1,155
Consensual Monitoring Applications Reviewed	1,304	1,500	1,600 1,680
Video Monitoring Requests Reviewed	1,165	1,200	1,400 1,470
Title III Matters Reviewed	1,300	1,400	1,500 1,575
Witnesses Placed in Program (Cumulative, not including STPP)	6,271	6,430	6,660 6,993
Witnesses and Family Members Placed in Program (Cumulative, not including STPP)	14,110	14,724	15,357 16,125
Witness Security Ombudsman Matters Resolved	5,662	5,770	6,300 6,615
Witness Security Applications Reviewed			
Full Program Services & Limited Services Program	516	365	450 473
Short-Term Program (STPP)	29	45	75 79
Witnesses Authorized into Program			
Full Program Services & Limited Services Only - not STPP	265	191	363 381
Short-Term Program	27	30	50 53
Agency Requests Use Prisoners in Investigative Activities Reviewed	431	315	331 347
Victim Compensation Matters Reviewed	5	5	20 21
Victim-Witness Assistance Matters Coordinated	1	265	300 315
Special Deputation Matters Reviewed	430	500	450 473
Witness Immunities Issued	4,407	4,684	4,961 5,000
Dual Prosecution Requests	124	125	129 130
Requests for Subpoena of Attorneys	975	1,000	962 1,010
Prisoner Transfer Requests Reviewed	721	1,566	2,000 2,600
Prisoners Transferred	239	532	1,000 1,300
Prisoner Transfer Correspondence from Prisoners, attorneys, and general public	119	323	200 260
Prisoner Transfer Congressional Inquiries	38	30	50 65

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	1993	1994	1995	1996
Office of Enforcement Operations				
Gambling Registrations Reviewed	1,700	2,050	2,300	2,600
FOIA/PA Requests Received	1,298	1,350	1,400	1,450

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	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Estimates by budget activity								
Criminal Matters								
Management and Administration.....	101	110 10,859	97	106 11,237	97	106 11,237	"	" "

Major Objectives:

Office of the Assistant Attorney General

To supervise the development and implementation of Department policy so as to assure an effective, fair and consistent administration of Federal criminal laws.

To establish priorities and provide general supervision on the national enforcement of Federal laws.

Office of Policy and Management Analysis

To analyze policy and management issues related to criminal law enforcement in order to identify problems, develop options, or implement new programs.

Office of Administration

To develop and implement policies relating to the efficient administration of the Division.

To provide administrative services necessary to the operations of the Division.

Office of Legislation

To analyze all legislative proposals developed within the Congress and the Administration which affect either the substance or procedure of the Federal criminal justice system, and to furnish advice, as appropriate, on the probable effect of such proposals on Federal law enforcement.

Base Program Description:

Assistant Attorney General

The Office of the Assistant Attorney General carries out policy-making, supervisory and liaison functions. Included in the Office of the Assistant Attorney General is the Office of Law Enforcement Coordination, which is assigned responsibility for staffing the Executive Working Group for Federal-State-Local Prosecutorial Relations; reviewing Federal district law enforcement plans; managing the Division's program to abolish concurrent jurisdiction enforcement lapses; supporting the Division's Crime Prevention Committee; overseeing the Division's involvement in regional Law Enforcement Coordinating Committees; and staffing other intergovernmental law enforcement management initiatives which were previously fragmented among several Division offices.

Office of Policy and Management Analysis

The Office of Policy and Management Analysis (OPMA) provides the Division with the analytical capabilities needed to perform program development, policy analysis, and management improvement functions. This Office conducts studies and recommends positions on policy and management issues of concern to the Assistant Attorney General and other decision makers in the Division and the Department. Many of the Office's projects are joint efforts with personnel from other components or agencies. The Office's professional staff includes analysts with expertise in public policy, business administration, criminology, economics, organizational behavior, program evaluation, information systems, research methods, and other related areas.

OPMA's major functions include:

- o Analyzing policy and management issues, developing options, and recommending positions to top-level decision-makers in the Division and the Department on a wide variety of law enforcement and management issues;
- o Recommending improvements after evaluating existing law enforcement policies, programs, and management practices;
- o Assisting senior managers in developing and implementing new enforcement policies, criminal justice programs, and management initiatives;
- o Conducting studies of major law enforcement issues, using information from research reports, government publications, statistical studies, field interviews, and other sources;
- o Providing advice and technical assistance on a variety of issues, including the preparation of reports on Criminal Division activities; and
- o Serving as the Division's liaison with agencies and institutions that conduct criminal justice research.

During FY 1994 and 1995, OPMA staff members have provided key analytic support to Criminal Division and Departmental

managers in priority enforcement areas such as organized and white collar crime, drugs, violent crime, and federal sentencing issues. The office provided oversight and staff support to the design and administration of the Police Hiring Supplement Program and Phase I of the COPS Program. OPHA also handled various projects with national and international dimensions that address other criminal justice and management concerns.

Office of Administration

The Criminal Division's administrative services are provided by the Office of Administration. Eight operational components work closely with other organizational entities of the Criminal Division, the Department, and other Federal agencies, to ensure that the Division's administrative services are provided in an efficient, timely, and cost-effective manner. These components include the Executive Office; Management Information Staff; Personnel Programs Staff; Budget Execution, Fiscal and Procurement Staff; Facilities and Security Programs Staff; Resource Planning and Coordination Staff; Geographic Information Systems Staff, and the Litigation Support and Correspondence Support Staff.

Office of Legislation

The Office of Legislation draws upon expertise that spans the breadth of criminal law, as well as familiarity with Congressional organization, rules, and procedures to conduct the Division's relations with the legislative branch. The Office also draws upon its relations with the United States Sentencing Commission and the Judicial Conference's Advisory Committees on Criminal Rules and Evidence. The Office works closely with the Department's Office of Legislative Affairs, Executive Office for United States Attorneys, Office of Policy Development, ranking officials of the Department and the Division, and the Federal investigative agencies.

The Office of Legislation is also involved in implementing, furnishing comments, and developing recommendations for amending the Sentencing Guidelines. The Office maintains frequent contact with the staff and members of the Sentencing Commission and attends its meetings.

Accomplishments and Workload:

Office of the Assistant Attorney General

The Office of the Assistant Attorney General continues to provide the Federal criminal justice system with national leadership, centralized coordination and effective direction. The role of the Assistant Attorney General (AAG) manifests itself mainly in communications imparted to other governmental entities and, by extension, to the public. The Assistant Attorney General represents the Criminal Division on proposals transmitted to the Congress, and presents the Division's position regarding the changes which are needed to improve the criminal justice system. The Assistant Attorney General assists the Supreme Court and Courts of Appeals in the enforcement of Federal laws and other

constitutional and statutory interpretations of criminal law as it pertains to organized crime and white collar crime. Finally, the Assistant Attorney General communicates to other law enforcement executives (Federal and non-Federal), in speeches, meetings, and correspondence on the most pressing problems facing the criminal justice system, and the means available through the law enforcement programs to address the emerging problems.

Office of Policy and Management Analysis

Police Hiring Supplement Program. Created the Police Hiring Task Force (PHTF), at the request of the Attorney General, to design and manage this \$150 million discretionary grant program that will help pay the salaries and benefits of approximately 2,000 additional law enforcement officers across the country. The program represented the "down payment" on the President's pledge to increase the number of law enforcement officers on the streets and expand community policing. Also responsible for recommending an additional \$200 million in grants under Phase I of the COPS Program.

Crime Act - COPS. Provided support to the Associate Attorney General and the Office of Policy Development on the policing subtitle of the Violent Crime and Law Enforcement Control Act (Crime Act), which authorized creation of a multi-billion dollar program to help pay the salaries and benefits of more law enforcement officers across the country. In addition to providing assistance in creating the new COPS office, analyzed crime data and violent crime trends, estimated the number of potential jurisdictions eligible to apply for funding, and developed scenarios for allocating funds based on such factors as the population of eligible jurisdictions.

Kids and Guns. Working with TVCS on implementation of the Youth Handgun Safety Act, a provision of the Crime Act that prohibits juveniles from possessing certain firearms. Coordinating with the Bureau of Prisons and U.S. Marshals Service to ensure adequate planning for short-term detention and incarceration of juveniles prosecuted both for VHSIA violations and other offenses. Also working with the Office of Juvenile Justice and Delinquency Prevention to identify differences between federal and state juvenile justice and corrections law and regulations that may affect the federal prosecution and detention of juveniles.

Crime Act Implementation. Participating in the implementation of various provisions of the Crime Act. Serving on working groups and commenting on proposed federal regulations to implement selected provisions of the new law. Developing plans for implementing the required Prison Impact Assessments, for which the office may be given responsibility. Participated in studies to assess the impact of certain provisions (including three strikes) on federal caseloads and the prison system.

Federal Criminal Justice Data. Reviewing prosecution statistics from the Executive Office for United States Attorneys (EOUSA) and the Administrative Office for United States Courts (AOUSC) to summarize trends in federal prosecutions during the period 1980 to 1994 and to reconcile differences in data. Compiling and analyzing additional federal

criminal justice data from the Bureau of Justice Statistics, U.S. Sentencing Commission, and other sources to support research into federal prosecution trends.

Sentencing. Provided analytic support to the Division working group considering crack and powder cocaine sentences. Also, participated in a working group considering racial disparity in the imposition of the death penalty. In particular, reviewed a wide range of existing research on this topic and developed improved procedures for Department review of federal death penalty cases. Reviewed studies prepared by the U.S. Sentencing Commission, the Judicial Conference of the United States, and other groups on various sentencing and court-related topics.

Liaison with the Office of Justice Programs. Working with OJP components in a variety of ways: reviewed annual discretionary program plans for funding grants and projects; participated in working groups to address crime and law enforcement issues; and reviewed grant proposals submitted for OJP funding. Currently working on a project to analyze violent crime trends in a select group of cities throughout the United States.

Criminal Justice in Indian Country. In cooperation with the Child Exploitation and Obscenity Section, developed an initiative to strengthen public safety in Indian Country by developing criminal justice capabilities and holding serious offenders accountable, especially in the areas of domestic violence and child abuse.

Russian Organized Crime. Conducting an in-depth study of the Russian banking and finance system and the Russian export/import and customs regimes, with a focus on how they are being impacted and used by Russian organized crime. Preparing an assessment of the nature and scope of the problem, emphasizing the threat of illicit financial activity in Russia to the U.S. financial system and U.S. law enforcement interests.

International Organized Crime. Assisted the Organized Crime and Racketeering Section in responding to a Presidential Review Directive on the threat of international organized crime and U.S. law enforcement responses to it. Specifically, prepared a summary of all Executive Branch domestic and international programs and activities to combat traditional and emerging organized crime groups around the world.

Office of Inspector General Deputations. Reviewed Criminal Division records for Office of Inspector General (OIG) requests for special deputation as U.S. deputy marshals in response to a request from the OIG for "blanket" deputation of all OIG investigators. Compiled staffing data, analyzed deputation requests from the OIGs, and offered recommendations to the Deputy Attorney General.

Pretrial Diversion and Drug Screening. Examined the history and use of federal pretrial diversion. Collected and analyzed data describing the historical context, profile of divertees, and frequency of use. Reviewed evaluations of mandatory drug testing programs for pretrial detainees.

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Briefing Materials. Prepared required reports and briefing material on the Criminal Division; coordinated Department-wide preparation of Confirmation Books for the Deputy Attorney General. Prepare various other briefing materials and other talking points for the Attorney General, Deputy Attorney General, and Assistant Attorney General.

Miscellaneous. Conducted numerous short-term projects, including:

- o Studied all routine reporting requirements existing in USAOs to determine which requirements could be eliminated or simplified. Prepared recommendations for the Deputy Attorney General.
- o Participated in a working group on Rule 16 discovery issues that analyzed a variety of options for evaluating current USAO defense notification procedures and monitoring these activities in the future.
- o Performing a review of gambling in the United States, focusing on the law enforcement, social, and economic impacts of legal and illegal gambling activities.

Office of Administration

The Division's Office of Administration supports over 750 attorneys, professionals and clerical workers in the litigating Sections/Offices. The Office provides support for the Division in the areas of personnel; budget preparation and execution; procurement; computer support services; security, facilities, records management and mail.

For all managers and employees, the Office publishes a Bi-Weekly Bulletin which provides valuable information to Division employees on administrative matters. The quick, widespread dissemination of the Bulletin through the Division's E-MAIL system makes the Bulletin a valuable asset in transmitting information to all employees and in implementing the many policy and financial measures the Division has undertaken in the last two years. In addition, the Office also publishes Bi-Weekly Budget and Staffing Reports which provide Section Chiefs and Office Directors with current and accurate information on staffing levels and the level of expenditure for all items under their control.

In addition to meeting the day-to-day challenges of supporting the Sections/Offices of the Division, the staffs within the Office of Administration complete quarterly initiatives that reach beyond the scope of their daily operations.

Throughout FY 1994, we have spent considerable time streamlining the flow of correspondence in the Division. We have introduced an automated system to help create, process, and mail responses to citizen inquiries. We also formed both a Division-level Executive Secretariat Office (EXECSEC) and the Citizen Correspondence Unit (CCU). The new EXECSEC serves as the central point for the coordination of controlled correspondence in the Division; while the CCU coordinates the response to the large number of citizen inquiries received in the Division. Since opening these two offices, the flow of correspondence into and out of the Division has been significantly improved. In FY 1995, we will continue to improve

the Division's capabilities to manage correspondence.

The Office of Administration also implemented enhanced security programs including: annual security briefings presented to Sections/Offices in the Division; scheduled and unscheduled security compliance reviews designed to identify areas of vulnerability; and the issuance of security reminders on various topics to all employees via the Division's weekly administrative bulletin. These improvements will ensure the Division complies with all requirements regarding the security of our operations.

The Office also opened new document and imaging centers. These facilities have been developed in response to numerous requests for facilities and equipment to support cases involving voluminous materials. The document center provides a centralized location for the preparation of evidentiary material while the imaging center provides equipment needed to perform document imaging, optical character reading, database creation, and text retrieval.

The Office published policies to standardize the ways in which telephone and space resources are allocated within the Division. While these policies establish standards on how these resources are distributed throughout the Division, the Division has also saved significant funds with their implementation.

Office of Legislation

The Office of Legislation continues to fulfill its traditional responsibilities of drafting and working for the enactment of major Department and Administration legislative initiatives. During the 103rd Congress, the Office drafted many legislative initiatives, including a major portion of the "Expedited Exclusion and Alien Smuggling Enhanced Penalties Act of 1993," a bill sent to Congress by the President. In addition, the Office participated in the development of the enforcement provisions of the President's health care reform legislative proposal. The Office was also closely involved in the Department's efforts regarding the major crime bill passed by Congress (the Violent Crime Control and Law Enforcement Act of 1994).

In the area of sentencing, the Office prepared reports complying with the Criminal Division's express statutory duty to report at least annually to the Commission on the operation of the Sentencing Guidelines and to suggest changes that appear to be warranted. The most recent report prepared for the Commission (October 1994) described a number of areas in which amendments to the Guidelines are needed. The amendment areas came to the attention of this Office through contact with United States Attorneys' Offices and other components of the Department. Another major responsibility of the Office is to respond to Sentencing Guidelines studies on the implementation of the Sentencing Guidelines and sentencing law. In addition, the Office participates in developing Department policies for implementing sentencing law.

The Office also has a significant workload in such other areas as drafting proposals to amend the Federal Rules of Criminal Procedure and Evidence and reviewing draft bills prepared by Congressional staffs or other agencies. In Fiscal

Year 1994, the Office processed 278 requests pertaining to Senate bills, 426 requests pertaining to House of Representative bills, and 428 other matters not identified by bill number, including the preparation of legislative proposals, the review of draft proposals from other agencies, and the preparation of Congressional testimony. Processing requests pertaining to bills usually involves transmitting the request to the appropriate Criminal Division component for the preparation of comments for review by the Office of Legislation and ultimately transmission to Congress by the Department.

Criminal Division
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	White Collar Crime	
	Pos.	Amount
Grades		
CS-15, \$67,491 - \$88,326	(5)	(382)
CS-14, \$57,760 - \$75,085	...	...
CS-13, \$48,878 - \$63,539	...	...
CS-12, \$41,104 - \$53,434	...	...
CS-11, \$34,295 - \$44,582	(1)	(35)
CS-09, \$28,345 - \$36,850	(1)	(32)
CS-07, \$23,171 - \$30,119	(1)	(25)
Total positions and annual rate	(8)	(474)
Lapse ( - )	...	...
Other personnel compensation	...	...
Total workyears and personnel compensation		
Personnel benefits	(8)	(474)
Travel and transportation of persons	...	(133)
Transportation of Things	...	(117)
CSA Rent	...	(8)
Rent, Communications and Utilities	...	(72)
Printing	...	(20)
Other services	...	(11)
Supplies and Materials	...	(70)
Equipment	...	(11)
	...	(88)
Total program workyears and obligations changes requested, 1996	(8)	(1,004)

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Criminal Division
Salaries and Expenses
Priority Rankings

<u>Program</u>	<u>Basic Program</u>	<u>Ranking</u>
Violent Crime, Organized Crime and Narcotics		1
White Collar Litigation		2
International		3
Litigation Support		4
Management and Administration		5

Criminal Division
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994			1995			1996			
	Total			Total			Total			
	Author- ized	Reim- bursable		Author- ized	Reim- bursable		Adj. To Base	Program Changes	Author- ized	Reim- bursable
Attorneys (905)	413	4		413	4		(13)	(5)	395	6
Paralegal Specialists (950)	80	...		77	...		(4)	...	73	...
Gen. Admin, Clerical and Office Services (300-399) ..	190	2		189	10		(8)	(3)	178	11
Criminal Investigating Series (1811)	1	...		1	...		...	...	1	...
Accounting and Budget (500-599)	10	...		11	5		...	...	11	5
Other Legal and Kindred (986)	22	...		19	...		(2)	...	17	...
Witness Security Specialists (080)	17	...		15	...		...	...	15	...
Information and Arts Group (1000-1099) ..	2	...		2	...		...	...	2	...
Library and Archives Group (1400-1499)	1	...		1	...		...	...	1	...
Social Sciences, Economics and Kindred (100-199) ..	9	...		9	...		...	...	9	...
Total	745	6		737	19		(27)	(8)	702	22
Washington	713	6		705	19		(13)	(8)	684	22
U.S. Field	30	...		30	...		(14)	...	16	...
Foreign Field	2	...		2	...		...	...	2	...
Total	745	6		737	19		(27)	(8)	702	22

Collections by Sources:
Executive Office for Un-
Organized Crime & Drug
Assets Forfeiture Fund
United States Agency for
All Other
Budgetary Resources

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Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Anticipated		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary range								
Executive level IV \$115,700	1		1		1		0	
ES-5 \$111,300	4		3		3		0	
ES-4 \$107,300	20		18		18		0	
ES-3 \$101,800	3		4		4		0	
ES-2 \$97,400	1		2		2		0	
ES-1 \$92,900	4		4		4		0	
GS-15 \$67,941-\$88,326	247		315		295		(20)	
GS-14 \$57,760-\$75,085	101		75		72		(3)	
GS-13 \$48,878-\$63,539	46		31		30		(1)	
GS-12 \$41,104-\$53,434	40		40		39		(1)	
GS-11 \$34,295-\$44,582	61		67		64		(3)	
GS-10 \$31,215-\$40,584	1		2		2		0	
GS-09 \$28,345-\$36,850	46		36		34		(2)	
GS-08 \$25,662-\$33,357	40		40		38		(2)	
GS-07 \$23,171-\$30,119	78		66		64		(2)	
GS-06 \$20,852-\$27,107	21		21		20		(1)	
GS-05 \$18,707-\$24,323	16		8		8		0	
GS-04 \$16,721-\$21,734	7		3		3		0	
GS-03 \$14,895-\$19,768	5		1		1		0	
GS-02 \$13,650-\$17,174	3		0		0		0	
Total appropriated positions	745	44,875	737	43,130	702	42,819	(35)	(311)
Pay above stated annual rate		(2,915)		(540)		(227)		227
Lapses	(M)	(244)	(9)	(240)	(8)	(212)	1	28
Savings due to lower pay scales for part of year		(244)		(240)		(212)		28
Net full-time permanent	711	41,716	728	42,350	694	42,294	(M)	(M)
Other than permanent								
Temporary employment	26	1,533	26	1,771	26	1,806		35
Other part-time and intermittent employment		2		2		2		
Other personnel compensation								
Overtime	2	86	2	88	2	90		2
Administratively Uncontrollable Overtime								
Other Compensation		1,143		769		805		16
Special personal services payments		328		315		342		7
Total workyears and personnel compensation	739	44,808	756	45,115	722	45,139	(M)	4

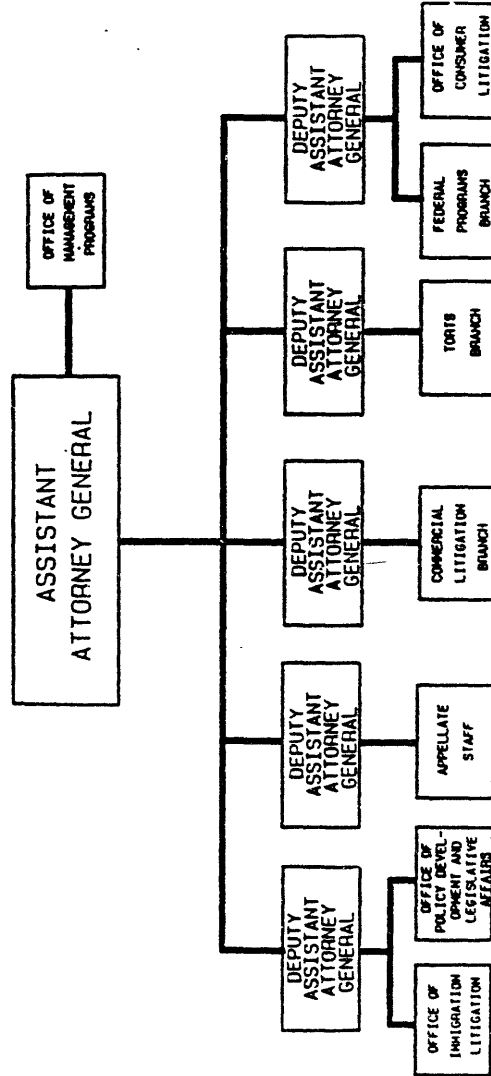
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Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 Personnel compensation	711	41,716	728	42,330	694	42,294	..	..
11.1 Full-time permanent	..	..	..	..	..	..	..	..
11.3 Other than permanent	26	1,535	26	1,773	26	1,808	..	(36)
11.5 Other personnel compensation	2	1,229	2	877	2	895	..	18
11.8 Special personal services payments	328	..	335	..	342	..	..	7
Total	739	44,808	756	45,335	722	45,339	..	(34)
Reimbursable Workyears:								
Full-time permanent	6	..	19	..	22	..	..	3
Other than permanent	..	..	..	..	..	..	..	..
12 Personnel benefits	..	9,236	..	9,344	..	9,657	..	313
13 Benefits to former personnel	..	669	..	30	..	30	..	0
21 Travel and transportation of persons	..	2,962	..	2,618	..	2,791	..	173
22 Transportation of things	..	131	..	126	..	127	..	1
23.1 GSA rent	..	10,707	..	13,229	..	13,764	..	535
23.3 Communications, utilities and misc charges	..	1,999	..	1,901	..	1,936	..	35
24 Printing and reproduction	..	208	..	193	..	192	..	(1)
25 Other Services	..	4,120	..	4,338	..	5,245	..	907
26 Supplies and Materials	..	1,040	..	814	..	867	..	53
31 Equipment	..	1,341	..	415	..	460	..	45
Total obligations	739	77,221	754	78,343 *	722	80,428 *	..	2,085

* - Footnote - 1995 and 1996 columns differ from those shown in the President's Budget Appendix due to an erroneous calculation of carryover funds

CIVIL DIVISION



Approved:  Date: 7-3-90
 DICK THOMPSON
 Attorney General

Civil Division
Salaries and expenses, General Legal Activities

Crosswalk of 1995 Changes
(dollars in thousands)

Activity/Program	1995 President's Budget Request ¹		Congressional Appropriation Action on 1995 Request		Adjustments in Perm. Workyears		Reprogramming		1995 Appropriation Anticipated	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY	Pos.	NY Amount	Pos.	NY Amount
Federal Appellate Activity.....	78	\$8,395	...	...	...	...	(2)	\$65	76	\$8,460
Torts Litigation.....	224	226	...	...	(12)	(12)	(2)	(7,197)	210	212
Commercial Litigation.....	315	325	...	\$(3,215)	...	...	8	5,873	323	333
Federal Programs.....	152	146	...	...	...	...	(2)	54	150	144
Consumer Litigation.....	35	39	...	...	...	...	...	...	35	39
Immigration Litigation.....	55	63	...	...	...	...	(1)	(167)	54	62
Management and Administration.....	111	117	...	...	...	...	(1)	(215)	110	116
Total.....	970	995	...	...	(12)	(12)	...	(800)	958	983
		123,580		(3,215)						11,069

Congressional Appropriations Actions. Congress did not approve \$3,215,000 requested for Automated Litigation Support for A-12.

Adjustments in Permanent Positions and Workyears. This adjustment transfers 12 positions and 12 workyears from the direct appropriation to a reimbursable status for the Radiation Exposure Compensation program. This transfer is not reflected in the President's Budget Appendix.

Reprogramming. The reprogrammings include three actions: A 1994 request to transfer \$6,792,000 from the Torts Litigation Branch to other Decision Units to align funding with actual operations was approved by Congress. A request to reprogram positions and workyears to the Commercial Litigation Branch is pending Congressional approval. A one-time reprogramming of \$800,000 to the Criminal Division and Interpol to fund an anticipated shortfall in GSA Rent funding. This transaction has been approved by OMB and the Congress.

¹ Reflects GSA Rent and procurement reductions.

Civil Division

Salaries and expenses, General Legal Activities

Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1994 As Enacted		1994 Actual		1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY ⁴ Amount	Perm. Pos.	NY Amount ⁵	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Federal Appellate Activity.....	79	\$8,546	79	\$8,044	76	\$8,460	76	\$8,898	76	\$8,850	...	\$(48)
Torts Litigation.....	231	29,579	231	30,880	210	28,753	210	29,994	210	29,857	...	(137)
Commercial Litigation..	320	42,676	320	42,620	323	44,573	323	46,385	323	49,489	...	3,104
Federal Programs.....	155	15,402	155	16,088	150	15,114	150	16,087	150	16,004	...	(83)
Consumer Litigation....	35	4,501	35	4,597	35	4,615	35	4,834	35	4,810	...	(24)
Immigration Litigation..	55	6,762	55	6,895	54	6,781	54	7,109	57	7,256	3	147
Management and Administration.....	104	10,861	104	10,143	110	11,069	110	11,725	110	11,654	...	(71)
Total.....	979	118,327	979	119,467	958	119,565	958	125,032	961	127,920	3	2,888
Reimbursable Workyears.	18		18		36		36		36		...	
Total Workyears.....	994		979		1,019		1,022		1,024		...	
Other Workyears:												
Holiday.....	...		...		...		...		...		...
Overtime.....	8		2		8		8		8		...	
Total compensable workyears.....	1,002		981		1,027		1,030		1,032		2	

⁴ Reflects a one-time reallocation of FTE to other organizations.

⁵ Includes \$4,550,000 carried forward from 1993 and excludes \$3,200,000 carried forward into 1995.

Civil Division

Salaries and expenses, General Legal Activities

Justification of Multi-Activity Program Changes
(Dollars in thousands)

Budget Activity/Program	1996 Pay Raise	
	Pos.	Amount
Federal Appellate Activity.....	...	\$ (48)
Torts Litigation.....	...	(137)
Commercial Litigation.....	...	(896)
Federal Programs.....	...	(83)
Consumer Litigation.....	...	(24)
Immigration Litigation.....	...	(36)
Management and Administration.....	...	(71)
Total.....	...	(1,295)

1996 Pay Raise Reductions

In order to cover the costs of the 1996 pay increase, spending for equipment and training will be eliminated and funding for employee awards will be cut in half. Additionally, a program decrease for foreign counsel of \$'00,000 will be necessary. This reduction will be achieved by declining to initiate any new affirmative suits in foreign courts in 1996, including those seeking to recover funds defrauded the United States Government abroad; by diverting funds away from over 200 defensive, non-discretionary cases; and by foregoing the practice of providing legal counsel to U.S. citizens involved in proceedings before foreign administrative bodies.

Civil Division
Salaries and expenses, General Legal Activities
Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Activity: Claims, customs, and general civil matters								
Federal Appellate								
Activity.....	76	77	76	77	76	77	...	...
Torts Litigation.....	210	212	210	212	210	212	...	...
Commercial Litigation.....	323	333	323	333	323	333	...	...
Federal Programs.....	150	144	150	144	150	144	...	...
Consumer Litigation.....	35	39	35	39	35	39	...	...
Immigration Litigation.....	54	62	54	62	57	64	...	...
Management and Administration.....	110	116	110	119	110	119	...	...
Total.....	958	983	958	986	961	988	3	2

This activity provides representation for the United States' interests in all types of civil cases and matters except those within the specialized fields of the other divisions of the Department or delegated to the United States Attorneys. The litigation encompasses the full spectrum of legal problems because the agencies of the Government are engaged in innumerable commercial ventures such as buying, selling, construction, shipping, production of energy, insurance, housing and banking. While the majority of these cases are monetary claims against the Government, a growing number are brought on behalf of the Government to recover sums owed to the Treasury. Billions of Treasury dollars are saved each year as a result of Civil Division's representation. In addition, the Division litigates the significant programmatic and policy issues associated with Government activities. Finally, the Division functions as a counselor and advisor for important Government programs that may become the subject of litigation.

Federal Appellate Activity	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Anticipated		Perm.		Perm.		Perm.	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
	76	77 \$8,460	76	77 \$8,898	76	77 \$8,850	...	...
								(\$48)

LONG-RANGE GOAL: To protect the interests of the United States at the highest levels of judicial review.

MAJOR OBJECTIVES:

To prevail in appellate litigation challenging trial court or administrative decisions in favor of the United States.

To initiate and prevail in appeals in which the Government's opponents were successful at the trial court or administrative levels.

To protect the Government's interest at the highest level of appeal by preparing documents to be filed by the Solicitor General in the Supreme Court.

BASE PROGRAM DESCRIPTION: The Appellate Staff represents the interests of the United States at the highest levels of judicial review. The Staff's broad and varied litigative responsibilities include constitutional issues of individual liberties, issues of societal and collective rights exercised by the Government and issues affecting national security and executive authority. The Appellate Staff handles appeals on behalf of all Civil Division components and the U.S. Attorneys Offices, as well as cases appealed directly from administrative agencies, although responsibility may be delegated to other litigating components having special expertise in certain cases. This arrangement provides centralized control over appellate litigation and insures uniform treatment of issues affecting the Government.

Cases involving enormous financial stakes, new laws, major initiatives or controversial issues are often appealed and become part of the Appellate Staff's caseload. These suits include challenges to recommendations for closure or realignment of military bases under the Defense Base Closure and Realignment Act of 1990 and major legislation such as the Civil Rights Act of 1991 and the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). Appellate Staff cases also involve legal challenges to the executive decisions and administrative policies that direct Government programs. These cases have involved the enforcement and interdiction policies of the Immigration and Naturalization Service and the freedom of the President's National Health Care Reform Task Force to conduct its business in private. Attorneys routinely draft memoranda to the Solicitor General on appeals of adverse judgments and prepare petitions of certiorari, briefs on case merits and jurisdictional statements for the United States Supreme Court.

The majority of the Appellate Staff's cases are affirmative, involving Government appeals of adverse judgments at the trial court or administrative level. In defensive cases, Appellate Staff attorneys represent the Government in appeals initiated by Government opponents who were unsuccessful in lower courts. Most of the Appellate Staff's new cases are received from three sources: the Civil Division's Federal Programs and Tort Branches, and the U.S. Attorneys Offices. In 1994, approximately 60 percent of the Staff's 2,164 cases were affirmative, while 40 percent were defensive.

Appellate Staff attorneys spent the majority of their time, almost 70 percent, litigating cases in 1994. In its role as the Government's expert in Court of Appeals litigation, the Appellate Staff also devotes significant time to advising and assisting other entities in appellate level work. This involves assisting Civil Division litigating branches, the U.S. Attorneys Offices and client agencies in drafting appellate briefs and preparing oral arguments. In 1994, the average number of cases per attorney was 37. Attorneys reported an average of 29 days of unpaid overtime during 1994. The total overtime hours worked by Appellate Staff attorneys translate into seven additional workyears.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goal:

To maintain an annual success rate of 70 percent in Court of Appeals litigation.

Performance Indicator:

	1993	1994	1995	Estimates	1996
Percent of closed Court of Appeals cases won . . .	76	77	70	70	70

Factors Affecting Program Performance:

The largest single group of appellate cases retained by the Civil Division were handled at the trial stage by the Division's Federal Programs Branch. They usually involve major Government programs, controversial policies and/or far-reaching precedents. Accordingly, the number of cases handled by the Staff is determined by the number of important cases lost at the trial level -- that either the Government or its opponents seek to overturn. Delegating such cases is rarely a viable option. The number of cases handled in any given year can be expected to fluctuate somewhat. However, predictors of caseload increases would include the enactment of major pieces of legislation and the implementation of sweeping policy changes. Because so many of these cases are by their very nature controversial -- and non-routine -- performance trends, in terms of wins and losses, may be more volatile than those associated with other areas of litigation.

The workload of the Appellate Staff is presented in the following table:

Item	1993	1994	1995	Estimates	1996
Cases and Memoranda Handled by Appellate Staff					
Pending Beginning of Year	722	660	662	678	678
Received During Year	1,626	1,504	1,601	1,672	1,672
Terminated During Year	1,688	1,502	1,585	1,655	1,655
Pending End of Year	660	662	678	695	695
Direct Dollars at Issue (Millions)	\$1,952	\$1,853	\$1,938	\$2,012	\$2,012
Received and Referred to U.S. Attorneys	1,052	1,059	1,104	1,116	1,116

LONG-RANGE GOAL: To protect the U.S. Treasury by successfully defending against unwarranted claims, preventing excessive losses from meritorious claims and maximizing the monetary recovery for injury and damages to Government property.

MAJOR OBJECTIVES:

To prevail in the defense of tort actions brought against the Government, its agencies and individual Federal employees.

To initiate and prevail in actions when the Government has sustained injury or expended resources on behalf of another party.

To implement the statutory requirements of compensation program legislation, while shielding the Treasury from erroneous claims.

BASE PROGRAM DESCRIPTION: The Torts Branch guards the public fisc by defending the Government where plaintiffs seek monetary damages for alleged neglect or wrongful conduct and by initiating actions to recover injury and damages to Government property. The monetary implications of this activity are gigantic -- over \$40 billion was at issue in 1994. Most of the Branch's suits are defensive, and therefore, non-discretionary. In many of these suits, the Government's involvement in the event triggering the tort action is elusive, at best. The most common of these types of claims involve aviation disasters or environmental accidents involving oil spills. The incidents that precipitate them are unforeseeable; without warning, the Government can be pulled into resource-devouring litigation involving hundreds of plaintiffs, massive discovery requirements and protracted schedules. In 1994, the Branch had a total caseload of 5,156 cases.

A large share of the Branch's caseload involves defending against claims arising from the maritime and aviation activities of Government agencies, including the Army Corps of Engineers and the Department of Transportation's Federal Aviation Administration (FAA). These suits range from maritime disaster and seaman's injury cases to commercial airline and private aircraft accident cases. In addition, affirmative actions to recover monies for Government property damaged during maritime commerce, as well as the costs associated with maritime pollution cleanups, represent a growing portion of the Branch's caseload. With dollars at issue in affirmative admiralty cases expected to grow to \$166 million by 1996, the Branch's opportunities to assist in deficit reduction efforts are immense.

The Branch represents Government employees who become the target of suits arising out of the performance of their duties. The subject matter in these cases, known as Bivens suits, varies as widely as the Government's operations themselves, and the types of defendants range from Federal law enforcement officers to Cabinet members. For example, three cases are currently pending stemming from the assault on the Branch Davidian compound in Waco, Texas, by agents of the FBI and the Bureau of Alcohol, Tobacco and Firearms (ATF). A substantial portion of the Branch's activities is in connection with the implementation of the National Childhood Vaccine Injury Act of 1986, under which approximately 4,700 claims seeking compensation have been filed (see page D-12), and the Radiation Exposure Compensation Act (RECA) of 1990, under which approximately 4,700 claims have been filed (see RECA budget).

The Branch handles a wide array of cases alleging Government liability arising under the Federal Tort Claims Act (FTCA), as well as suits filed in district courts under the Health Centers Assistance Act of 1992, which extended the FTCA to cover

Branch attorneys are responsible for the administration of the FTCA, including initiating changes in Department regulations implementing the Act and providing guidance to all Federal agencies on policy issues arising under the Act.

Environmental tort claims involving toxic waste, groundwater contamination and asbestos also fall within the Branch's domain. The Branch defends the Government against claims for monetary damages resulting from alleged personal injury, death or property damage caused by environmental or occupational exposure to toxic substances. These actions are principally brought under the FTCA but are also premised upon the law of admiralty under the Suits in Admiralty Act, contract law under the Tucker Act and various environmental statutes.

Torts Branch attorneys spent the majority of their time, over 74 percent, litigating cases in 1994. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys Offices. In 1994, excluding RECA, Childhood Vaccines and Administrative Claims, the average number of cases per attorney was 18. Attorneys reported an average of 43 days of unpaid overtime during 1994. The total overtime hours worked by Torts Branch attorneys translate into 26 additional workyears.

The Branch's three most time intensive cases of 1994 were: 1) Schwartzman Inc. v. United States, a groundwater contamination case with 3,987 attorney hours reported; 2) Pransky v. United States, a radiation litigation (not RECA) case with 3,702 attorney hours reported; and 3) United 582, an air carrier crash case with 3,322 attorney hours reported.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goal:

To defeat annually at least 90 percent of the dollar claims in personally and jointly handled defensive cases.

Performance Indicator:

	1993	1994	Estimates	1995
Percent of claims defeated in closed cases . . .	93	93	90	90
Dollars Defended (in Millions)	\$3,107	\$2,730	\$2,518	\$2,610
Dollars Defeated (in Millions)	\$2,894	\$2,543	\$2,266	\$2,349

Because the primary mission of the Torts Branch is to prevail in the defense of monetary claims, the Branch measures its performance by tracking the percentage of dollar claims defeated as a percentage of total dollars sought by the opposition. Its performance target is 90 percent. In 1994, as the chart above shows, Branch attorneys protected the U.S. Treasury from \$2.5 billion in claims and limited awards to the opposition to \$187 million (excluding RECA claims) while defeating 93 percent of the total dollar claims in personally and jointly handled defensive cases.

Factors Affecting Program Performance:

Defensive tort suits have been some of the biggest and most complex suits ever handled by the Civil Division. They can involve huge numbers of claimants (e.g., airline crashes), arcane scientific facts (e.g., environmental damages), enormous collections of documentary evidence (e.g., asbestos) and lengthy time frames (e.g., atmospheric nuclear testing). The events precipitating these suits are exogenous to the Civil Division. Because of their duration and the incredible infrastructure (i.e., staff, facilities and technology) these suits require, the largest are rarely assigned to the U.S. Attorneys. As long as budget resources allow the Civil Division to maintain the infrastructure vital to the success of these massive cases, the performance targets, while high, should be within reach.

The workload of the Torts staff is presented in the following table^{1/}:

Item	Estimates		
	1993	1994	1995
Cases Handled by Torts Staff			
Pending Beginning of Year	1,426	1,564	1,577
Received During Year	805	627	668
Terminated During Year	667	614	570
Pending End of Year	1,564	1,577	1,675
Direct Dollars at Issue (Millions)	\$39,695	\$40,152	\$41,142
Authorized for Litigation by U.S. Attorneys	3,925	4,067	4,207
Authorized for Litigation by U.S. Attorneys	3,925	4,067	4,490

Several of the Torts Branch's accomplishments over the past year follow:

The Branch prevailed in Prascott v. United States, a consolidated case in which more than 200 former Nevada Test Site (NTS) employees alleged that radiation released from nuclear weapons testing at NTS caused them to develop various forms of cancer. The plaintiffs had asserted claims exceeding \$1 billion. Attorneys for the workers selected six claims to serve as representative cases. The court found that none of the cancers of the six workers was caused by radiation exposure. The court also found that throughout the testing at NTS, the Federal Government and its contractors exercised due care in protecting workers from exposure to hazardous levels of radiation. Finally, the court concluded that there was no subject matter jurisdiction under the Federal Tort Claims Act.

The Branch secured important victories in several environmental tort decisions: In Hercules Inc. v. United States and in William T. Thompson Co. v. United States, the Court of Appeals for the Federal Circuit affirmed the dismissals of claims

1/ National Childhood Vaccine Injury Compensation Program and Radiation Exposure Compensation Act (RECA) Program workloads are not included in this table. The Vaccine Program workload is detailed in the next section, while the RECA workload is included within the RECA budgets.

brought by manufacturers of Agent Orange who sought more than \$55 million for tort payments made to the Agent Orange Class. The district courts dismissed Laurence v. Navy, Housing and Urban Development, \$125 million in claims brought by 250 residents of a housing complex built on allegedly contaminated land owned by the United States during World War II, and Regland Soccer Club/Elliott v. Army, \$55 million in claims brought by 154 plaintiffs who alleged contamination of a soccer field built on a former landfill of the New Cumberland Army Depot.

The Branch obtained a voluntary dismissal of the individual defendants in a Waco-related case, Paul Hall, The Jubilee and Louis Ray Beam, Jr. v. United States et al. Following a disturbance during a media briefing on the Waco incident, reporter Beam had been barred from access to further briefings. The Jubilee newspaper, publisher Hall and Beam alleged that FBI and ATF officials had violated the First Amendment by denying Beam access to media briefings.

The Branch recovered approximately \$12 million in cleanup costs arising out of vessel-caused oil pollution cases GLACIER BAY, AMERICAN TRADER, TENYO MARU/TUO HAI and SHINHOUSA. Additionally, the Branch's expertise in handling the liability aspects of those cases, as well as the APEX HOUSTON case, contributed to the United States recovering another \$16.5 million for natural resource damages and penalties. An additional \$2 million was recovered in a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) case involving the SANTA CLARA spill of arsenic trioxide and magnesium phosphide.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Torts Litigation	210	\$29,994	210	\$29,857	...	...
					...	(\$137)

This decrease represents the Torts Branch's share of the program reductions described in the Multi-Activity exhibit on page D-4.

	1995 Reimbursable Authority		1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
National Childhood Vaccine Injury Compensation Program	...	24	\$2,500	...	24	\$2,500	...	\$1,528

LONG-RANGE GOAL: To establish a program of no-fault compensation that resolves claims for injuries caused by immunizations and alleviates direct liability against vaccine manufacturers under the National Childhood Vaccine Injury Act of 1986.

MAJOR OBJECTIVES:

To process claims timely and in accordance with the provisions of the Act.

To challenge those petitions that lack merit, while providing compensation where appropriate.

BASE PROGRAM DESCRIPTION: In 1986, Congress passed the National Childhood Vaccine Injury Act in response to a potential crisis affecting the vaccination of children against infectious childhood diseases. Prior to the Act, vaccine manufacturers and physicians who administered vaccines were being sued by parents who claimed that their children had suffered severe injuries following immunizations. Seriously threatened by the number of these lawsuits and the cost to defend them, United States pharmaceutical companies began to withdraw from the market, raising the genuine possibility that domestic production of vaccines would cease.

Congress recognized the severity of the situation and established a system to compensate individuals injured by certain vaccines: the National Vaccine Injury Compensation Program. To receive compensation under the Vaccine Program, an individual must elect not to pursue a traditional civil action for damages against a vaccine manufacturer or administrator. As a result, the Vaccine Act has reduced the number of civil lawsuits against vaccine manufacturers and physicians, stabilized the national vaccine market and provided individuals a streamlined program to obtain compensation for vaccine-related injuries. In February 1993, Senators Edward Kennedy (D-Mass), Nancy Kassebaum (R-Kan) and Orrin Hatch (R-Utah), in offering an amendment to ensure that petitions for vaccine compensation would continue to be received by the court, acknowledged the success of the Vaccine Act and expressed bipartisan support for the Vaccine Program.

The Vaccine Act established within the United States Court of Federal Claims an Office of Special Masters to adjudicate these cases. When a petition for vaccine compensation is filed, the Chief Special Master assigns the case to a Special Master who makes the initial determination whether entitlement to an award should be granted. In many cases, a hearing is necessary to decide the issue of entitlement under the Vaccine Program. After the Special Master enters the entitlement decision, either party -- the petitioner or the respondent (the Secretary of HHS) -- may appeal the outcome to the United States Court of Federal Claims. The Court of Federal Claims reviews the decision and enters judgment. The decision of the Court of Federal Claims may then be appealed to the United States Court of Appeals for the Federal Circuit.

The Civil Division is charged with representing the Secretary of HHS in the more than 4,700 cases which have been filed under the Vaccine Program. The legal and medical issues that arise in Vaccine Act cases vary greatly. At the trial level, the medical staff of the Division of Vaccine Injury Compensation of HHS assists Civil Division attorneys in developing detailed medical evidence for each trial. If the injured party is awarded compensation, the Civil Division defends the damages portion of the cases to ensure that the injured party receives all the compensation to which he or she is legally entitled, but no more. Because of the severity of most vaccine injuries and the likelihood of lifelong future damages, vaccine cases require a complex economic analysis of the damage payments to be made to the injured party through lump sum payments, annuities or reversionary trusts. In doing so, the efforts of the trial attorneys also serve to preserve the limited Vaccine Program funds to compensate other deserving vaccine-injured parties.

The Program differentiates between injuries or deaths attributable to enumerated vaccines administered prior to October 1, 1988 (retrospective claims), and injuries and deaths arising from immunizations after that date (prospective claims). Payment of claims arising after October 1, 1988 are made from an Injury Compensation Trust Fund supported by a manufacturers' excise tax on certain vaccines. Injuries arising prior to that date are compensated through appropriated funds. Approximately 4,000 petitions were filed by the statutory deadline of January 31, 1991, creating an immediate backlog of cases in the Court of Federal Claims.

The Vaccine Staff has made substantial progress in resolving the backlog of cases since the implementation of new procedures by the Office of Special Masters in November 1993. To facilitate the processing of claims, the Staff now conducts a preliminary evaluation of 100 additional retrospective cases per month, after which it files a pleading with the Court recommending a future course of action in each case. As a result, every one of the 4,700 cases filed under the Program has now received substantive attention by the court. Of the 1,100 cases subjected to the preliminary review process, more than 200 had been dismissed by the end of 1994. The first section of the chart below shows the progress made to reduce the backlog.

Despite the significant progress made in reducing the vaccine claim backlog, about 2,500 cases still remain pending, and 200 or more new cases a year are expected to be filed. Some of the new receipts may result from plans to add new vaccines to the Program, including those for Hepatitis "B" and Haemophilus Influenzae "B." And, as new vaccines such as the imminent chicken pox vaccine, are developed and introduced, they too will likely be added to the Vaccine Program. Further, an initiative to double the number of vaccinations administered to children before the age of two may add to the number of prospective cases received. The second section of the chart below shows the trends in new case filings.

ACCOMPLISHMENTS AND WORKLOAD: The workload of the Vaccine Staff is presented in the following table:

Item	1993	1994	Estimates	
			1995	1996
Retrospective Cases Handled by the Vaccine Staff1/				
Pending Beginning of Year	3,019	2,539	2,174	1,824
Activations During Year	420	444	450	450
Terminated During Year	480	365	350	350
Pending End of Year	2,539	2,174	1,824	1,474
Prospective Cases Handled by Vaccine Staff2/				
Pending Beginning of Year	245	320	359	514
Received During Year	137	106	200	225
Terminated During Year	62	67	45	45
Pending End of Year	320	359	514	694
Total Cases Handled by Vaccine Staff				
Pending Beginning of Year	3,264	2,859	2,533	2,338
Received During Year	137	106	200	225
Terminated During Year	542	432	395	395
Pending End of Year	2,859	2,533	2,338	2,168

1/ Cases with a vaccination date prior to October 1, 1988.

2/ Cases with a vaccination date after October 1, 1988.

The number of cases litigated to a resolution by the Vaccine Staff remained high during 1994: excluding the dismissals mentioned above, of the 330 cases decided by the Office of Special Masters last year, approximately 75 percent were decided in the Government's favor. The size of the average award continued to decline in 1994, with the average award in injury cases alleging pre-October 1, 1988, vaccinations reaching an all-time low of approximately \$735,000.

PROGRAM CHANGES:

National Childhood Vaccine Injury
Compensation Program

1996 Base		1996 Estimate		Increase/Decrease	
Perm.	POB.	Perm.	POB.	Perm.	POB.
24	\$2,500	24	\$4,028	...	\$1,528

Increase Reimbursable Authority. The Civil Division requests a \$1,528,000 increase in reimbursable authority in 1996 to help close the funding gap which currently exists in the Vaccine Program. In 1993, 18 FTE and \$2 million were appropriated to be reimbursed to the Civil Division from the Trust Fund. However, to meet mandatory disposition deadlines governing the truckloads of claims that were filed in 1991, as well as the new cases that were received, the Program required far more resources than those provided at the reimbursement level. In addition to the 18 FTE and \$2,000,000 reimbursed in 1993, the Civil Division supplemented the Vaccine Program with 16 FTE and associated funding from its own appropriation. In 1994, total expenditures for the attorneys and ancillary support required for the Program were \$4,280,000, for which the Civil Division was again only reimbursed \$2,000,000. Even though Congress approved an increase in reimbursable authority to \$2,500,000 for 1995, actual expenditures are expected to exceed \$4,000,000. Although Congress intended for the implementation costs of the Program to be covered by the Trust Fund, the Civil Division has nonetheless been forced to absorb millions of dollars annually to staff the Program adequately. In light of tight fiscal constraints, such as the 1996 pay absorption, the Civil Division's ability to continue to subsidize the Program is in jeopardy. With thousands of vaccine claims waiting to be processed, personnel reductions are not a viable option. An increase in reimbursable authority to \$4,028,000 is needed in 1996 to bring the reimbursement level in line with the actual costs of administering the Program.

1995 Appropriation

Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
Perm.	POB.	Perm.	POB.	Perm.	POB.	Perm.	POB.
323	\$44,573	323	\$46,385	323	\$49,489	...	\$3,104

Commercial Litigation

LONG-RANGE GOAL:

To protect the financial interests of the United States through the recovery and collection of monies owed to the Government and through the assertion of the Government's commercial interests in defensive litigation.

MAJOR OBJECTIVES:

To save the Treasury money by winning lawsuits and obtaining favorable settlements of contract, intellectual property, international trade and Government employment litigation brought against the United States.

To collect money owed to the United States as a result of defaulted contracts, unpaid loans, unsatisfied judgments, breach of grant agreements and misuse of benefit programs.

To recover funds lost through fraud and corruption in Government programs and to deter future losses by collecting the statutory penalties allowed for such violations.

BASE PROGRAM DESCRIPTION: The Federal Government encounters a wide variety of legal problems and disputes arising from billions of dollars of buying, selling, lending and other commercial transactions. The Commercial Litigation Branch provides legal counsel to the Government in the largest of these monetary disputes. Over \$30 billion was at stake in cases handled by the Branch in 1994. The majority of these cases, 80 percent, were defensive. They involved defending almost \$23 billion in claims brought by others against the Government. The remaining 20 percent were affirmative, involving actions to recoup for the Government \$7 billion lost through bankruptcies, loan defaults and fraud. The Branch's total caseload during 1994 was 8,899 cases.

Of the Branch's defensive cases, the most resource-intensive are those filed in the Court of Federal Claims. These are complex contract disputes which place billions of U.S. Treasury dollars at risk. The two largest cases, the multi-billion dollar McDonnell Douglas A-12 "stealth" fighter and Boeing Peace Shield claims, arose from disputes between defense contractors and the Department of Defense. Other Court of Federal Claims cases include bid protests, fraud counterclaims, conflicts arising under the takings clause of the Constitution, civilian and military pay disputes, Savings & Loan litigation and claims for relief under the Civil Liberties Act. In cases involving procurement and personnel matters, attorneys handle appeals to the Court of Appeals for the Federal Circuit from the Court of Federal Claims, petitions for review of Merit Systems Protection Board decisions, appeals from agency contract appeals boards' decisions, appeals from the Court of Veterans Appeals and a limited number of appeals from Federal district courts. This caseload totaled 2,715 cases in 1994.

The Branch initiates suits to recover losses from those who defraud the Government through contracts, Federal programs and the bribery and corruption of Government officials. Attorneys perform investigations and litigate cases in both United States district courts and the Court of Federal Claims. Although Department of Defense procurement fraud cases involving defective pricing and cost mischarging continue to constitute the largest portion of the Fraud caseload, a large and rapidly growing component of the Branch's caseload is health care fraud litigation -- cases involving health care providers that defraud Medicare, Medicaid and other Federally-administered health care programs. In the past four years, personally and jointly handled health care fraud receipts jumped 154 percent, from 33 in 1991 to 84 in 1994. Meanwhile, health care fraud recoveries rose from \$14 million in 1991 to \$398 million in 1994. A large portion of the Fraud caseload is comprised of cases filed on behalf of the Federal Government by private citizens known as "relators," under the 1986 qui tam amendments to the False Claim Act. In return for exposing fraud committed against the Government, relators are allowed to share in recoveries resulting from these cases. While constituting just four percent of the Branch's affirmative trial caseload in 1989, qui tam cases expanded to 20 percent by 1994 and are expected to reach 22 percent by 1996. This growth is being driven by the increase in health care qui tam receipts. This caseload totaled 1,190 cases in 1994.

The Branch supervises litigation in foreign courts to which the United States is a party. It employs foreign counsel to represent the United States and is currently responsible for almost 1,300 cases in approximately 80 countries. The bulk

of this litigation, 77 percent in 1994, is defensive and covers a wide range of commercial and tort cases. Recently, there has been a sharp increase in the number of suits involving labor issues instituted by foreign national employees of U.S. embassies and military components abroad as a result of personnel downsizing plans and military base closings. The Branch's expanding affirmative litigation practice has resulted in sizable monetary fraud recoveries, particularly involving contract bid-rigging in Japan. The Branch also serves as the Department's contact point for foreign asset searches, particularly in connection with Savings & Loan cases. Finally, the Branch represents the Government in domestic cases involving questions of international and foreign law, frequently consulting on the Government's position on international law issues in U.S. litigation. This caseload totaled 1,275 cases in 1994.

The Branch also handles a wide spectrum of lawsuits involving claims for money and property. Attorneys represent the Government's financial and regulatory interests in large and complex Chapter 11 bankruptcies, including those involving defense contractors, commercial airlines and other major corporations. Because of the Branch attorneys' breadth of bankruptcy expertise, many U.S. Attorneys Offices and other client agencies rely on their advice and counsel in handling unusual or particularly difficult bankruptcy issues. In its Medicare Secondary Payer cases, the Branch recovers monies from insurance companies who knowingly allow Medicare to pay for services that should be paid by the companies to their claimants under existing private policies. Since the signing of a Memorandum of Understanding in October 1991, the Branch has assumed responsibility for commercial banking cases referred to the Department by the Federal Deposit Insurance Corporation (FDIC) and the Resolution Trust Corporation (RTC). Branch attorneys represent the Rural Electrification Administration (REA), the Bonneville Power Administration (BPA) and other similar agencies, in all of the large-dollar, large-document cases in which they are parties. Major litigation brought against schools, banks, state guarantee agencies and the Department of Education, by students challenging the enforceability of their student loans is also handled here. This caseload totaled 393 cases in 1994.

Branch attorneys handle a wide variety of litigation involving patents, trademarks, copyrights, trade secrets and other related matters. Attorneys defend the Government in patent and copyright infringement suits as well as in legal challenges to actions of the Register of Copyrights. The Branch brings suits to enforce Government-owned patents, seeks to assign patents to the Government for inventions arising from Government-sponsored research, enforces patent indemnity agreements, cancels patents issued as a result of fraud and enforces the deposit requirements of the Copyright Law on behalf of the Library of Congress. In addition to their trial work, attorneys also appear before the Patent and Trademark Office on a variety of administrative proceedings. This caseload totaled 63 cases in 1994.

The Branch represents the United States in Court of International Trade cases (except those involving the International Trade Commission) and appeals to the Court of Appeals for the Federal Circuit. Attorneys handle litigation in such areas as dumping penalties, international trade agreements involving the United States Customs Service, tariff classification and valuation of imported merchandise, the collection of import duties and a variety of other actions affecting the administration of the customs laws of the United States. This caseload totaled 3,110 cases in 1994.

Branch attorneys spent the majority of their time, 83 percent, litigating cases in 1994. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys Offices. In 1994, the average number of cases per attorney was 39. Attorneys reported an average of 43 days of unpaid overtime during 1994. The total overtime hours reported by Commercial Litigation Branch attorneys translate into 38 additional workyears.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goals:

To defeat annually at least 75 percent of the dollar claims sought in personally and jointly handled defensive cases.

To win annually over 80 percent of the total dollar claims sought in personally and jointly handled affirmative cases.

Performance Indicators:

	1993	1994	1995	1996
Percent of Defensive Dollars Claims Defeated	89	96	75	75
Dollars Defended (in Millions)	\$1,534	\$3,751	\$1,627	\$1,675
Claims Defeated (in Millions)	\$1,359	\$3,594	\$1,220	\$1,257
Percent of Affirmative Dollar Claims Won	72	84	80	80
Relief Sought (Millions)	\$744	\$1,380	\$710	\$781
Relief Awarded (Millions)	\$538	\$1,164	\$568	\$624

Because the primary mission of the Commercial Litigation Branch is to protect the U.S. Treasury by prevailing in monetary claims, the Branch measures its performance by tracking the outcomes of monetary claims. With respect to defensive cases disposed, the Branch tracks the percentage of dollar claims defeated. Its performance target is 75 percent. As the chart above shows, in 1994, the Branch saved the Treasury \$3.6 billion in defeating 96 percent of monetary claims sought by the opposition, while limiting awards to the opposition to just \$157 million. With respect to affirmative cases disposed, the Branch tracks the dollar claims won as a percentage of total claims sought by the Government. Its performance target is 80 percent. As the chart above shows, in 1994, the Branch secured \$1.16 billion for the Treasury in winning 84 percent of the dollar claims it sought.

Factors Affecting Program Performance:

There are a handful of defensive cases handled by this Branch that each involve multi-billion dollar claims. Thus, in a given year, the Branch may prevail in 99 out of 100 suits, but if that one loss turns out to be a Hughes or a Boeing, the target will not be achieved. These high-stakes suits often involve complex legal issues, extraordinarily large document collections and well-funded adversaries. Without a significant dedication of staff and technological support, the Government's ability to prevail is limited. The same type of consideration may come into play with respect to affirmative suits as well. Additionally, a key external factor -- the defendant's ability to pay -- may cause the Government, as a plaintiff, to settle for amounts far less than were originally sought.

The workload of the Commercial Litigation Branch is presented in the following table:

The workload of the Commercial Litigation Branch is presented in the following table.				
Item	1993	1994	Estimates	
			1995	1996
Cases Handled by Commercial Staff				
Pending Beginning of Year	6,089	5,844	6,237	6,199
Received During Year	2,951	3,055	3,256	3,364
Terminated During Year	3,196	2,662	3,294	3,476
Pending End of Year	5,844	6,237	6,199	6,087
Direct Dollars at Issue (Millions)	\$29,650	\$30,063	\$32,070	\$32,306
Authorized for Litigation by U.S. Attorneys	4,834	5,116	5,407	5,468

Specific examples of the Commercial Litigation Branch's successful performance over the past year follow:

The Branch, in conjunction with the U.S. Attorneys Offices, recovered over \$1 billion in fraud cases in 1994. Health care fraud and Department of Defense procurement fraud continued to be the focus of much of the Branch's efforts, and record recoveries were obtained in both areas during the year. In the largest civil fraud settlement in Department of Justice history, \$324 million was recovered from National Medical Enterprises, Inc. (NME). The settlement resolved claims that NME, a multinational corporation that owns a nationwide chain of psychiatric hospitals, systematically overbilled Medicare, Medicaid and other Federal health care programs. Overall, \$398 million was recovered in health care fraud cases last year.

The Branch, working with the U.S. Attorneys Offices, recovered over \$577 million in fraud cases involving defense contractors. The settlements included a \$150 million agreement with United Technologies Corporation to settle a qui tam lawsuit alleging that the company had overstated progress payments submitted by its Sikorsky Aircraft Division, and had misrepresented the facts in reporting the fraud to the Government through the Department of Defense's Voluntary Disclosure Program. In addition, Teledyne agreed to pay more than \$112 million to settle two qui tam suits involving fraud in testing military components. Other recoveries included: \$82 million paid by Litton Systems, Inc. in a qui tam settlement involving claims that Litton overcharged the Government for computer services; \$75 million paid by Boeing to resolve allegations that the company mischarged independent research and development costs; and that it charged the Government costs for foreign direct selling and hazardous waste disposal that should have been borne by Boeing; and \$29 million paid by TAW to resolve claims in a qui tam suit that the company inflated the price of its subcontracts on aircraft engines and military tanks.

In *Hughes Aircraft Company v. United States*, the plaintiffs sought compensation for the Government's procurement and use of certain satellites which embody a patented attitude control system. In its decision, the Court of Federal Claims agreed with the Branch's argument and adopted a royalty rate not to exceed one percent; Hughes had proposed a 15 percent rate. The Court also agreed with the Branch's position that the compensation base to which the royalty was to be applied should be \$3.5 billion, not in excess of \$5 million as Hughes proposed. Based on these decisions, Hughes' total compensation, including interest, is expected to be approximately \$112 million, rather than the over \$4 billion sought by Hughes. Hughes has appealed the decision to the Court of Appeals for the Federal Circuit.

With respect to corporate and financial litigation, a \$100 million settlement on behalf of the Department of Energy and its co-plaintiff Dakota Gasification was secured against four pipeline companies; over \$65 million was recovered in judgments and settlements in bankruptcy cases, including \$49.1 million in settlements of the Department of Housing and Urban Development's claims against multi-family housing project debtors; and \$24 million was recovered in a settlement with Blue Cross and Blue Shield of Michigan for failure to pay primary health insurance benefits to certain Medicare beneficiaries.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount
Commercial Litigation	323	333	\$46,385	323	333	\$49,489	...	...	\$3,104

For a description of \$896,000 in program reductions, see the Multi-Activity exhibit on page D-4.

To provide essential resources for the legal operations of the Civil Division's Commercial Litigation Branch, \$4,000,000 is required in 1996.

1995 Appropriation Anticipated

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount
Federal Programs	150	144	\$15,314	150	144	\$16,087	150	144	\$16,004	...	...	(\$83)

LONG-RANGE GOAL: To successfully defend against challenges to Federal programs, policies and initiatives and to enforce remedies for statutory violations of Federal programs.

MAJOR OBJECTIVES:

To prevail on behalf of the United States in civil litigation in defense of the programs, policies, initiatives and decisions of the President, Executive Branch agencies and officials of the Legislative and Judicial Branches.

To remedy statutory and regulatory violations through the successful pursuit of affirmative litigation.

BASE PROGRAM DESCRIPTION: The Federal Programs Branch represents the United States, its officers and agencies in a wide variety of suits challenging the constitutionality or legality of Governmental policies, programs and actions. It also initiates affirmative litigation to enforce Federal laws and regulations. The Branch litigates on behalf of over 100 Federal agencies, the President and Cabinet officers and other Government officials. In 1994, over \$3.6 billion was at issue in a caseload of 934 cases. Of these, approximately 80 percent were defensive and 20 percent were affirmative.

The Branch's litigation routinely involves high visibility cases, defending Executive Branch policies as well as the constitutionality of statutes enacted by the Congress. Recently, the Branch has defended challenges to the Freedom of

Access to Clinic Entrances Act; the Brady Gun Control Act; litigation brought by several states protesting the lack of enforcement of immigration laws by the Federal Government and seeking monetary compensation for the costs of incarcerating illegal alien felons and providing medical care, education and housing for aliens; and constitutional challenges to various provisions of the Cable Consumer Protection and Competition Act of 1992 brought by members of the cable industry.

A large number of cases handled by the Branch involve challenges to the way Government entitlement programs are administered. Seeking injunctive and declaratory relief, these suits concern Social Security and health benefits, health planning, welfare benefits and education programs. Some cases include challenges to the constitutionality of portions of the Medicare Act, challenges to the Federal regulation of nursing homes, challenges to the standards used to ensure access to health benefits under the Medicaid program and challenges to the Department of Health and Human Services' system for reimbursing costs for Medicare patients.

The Branch also litigates challenges to the Government's administration of numerous agency programs. Such suits include challenges involving the Department of Housing and Urban Development (HUD) and other Government agencies in the area of housing and community development, and relating to Title VII provisions of the Civil Rights Act of 1968 -- fair housing, rights of tenants in public housing or other HUD-subsidized housing, HUD's obligations to public housing authorities, sales or prepayments of HUD-owned mortgages and Farmers Home Administration litigation. In addition, Branch attorneys defend challenges to actions by the Treasury, Commerce, Transportation and Labor Departments in the administration of interstate and foreign commerce laws and regulations, and defend challenges to the Department of the Interior in areas such as natural resources management in the former Trust Territories of the Pacific. Other cases involve defending against state actions to overturn United States Department of Agriculture sanctions imposed for negligent state operation of the Food Stamp Program, and defending challenges to Department of Energy petroleum pricing regulations.

Despite efforts to create a more open Federal Government -- which have resulted in the release of many previously withheld documents and the dropping of numerous pending Freedom of Information Act (FOIA) cases -- the Branch continues to handle a significant amount of litigation in which plaintiffs seek background documents used or created by Government agencies. FOIA litigation includes issues arising under open Government statutes such as the Federal Advisory Committee Act (FACA) and the Government in the Sunshine Act, and can also involve constitutional separation of powers issues.

Suits alleging discrimination in Federal employment under a number of Federal statutes and Executive Orders including Title VII of the Civil Rights Act, the Rehabilitation Act, the Age Discrimination in Employment Act, the Equal Pay Act and the Alcohol and Drug Abuse Treatment Act are all within the Branch's purview. Cases also include a number of complex Title VII class actions as well as novel cases of law under the Rehabilitation Act, which precludes discrimination on the basis of a handicap. Other suits involve constitutional and non-constitutional issues of appointment and removal of Federal officers and employees. Branch attorneys also defend challenges to Office of Personnel Management regulations, challenges to drug testing programs for Federal Government employees in sensitive positions and actions brought by employees under the Civil Service Reform Act.

In its affirmative litigation, the Federal Programs Branch ensures compliance with Federal statutes and regulations by initiating enforcement actions on behalf of Federal agencies. The Branch also has sued the trustees and service providers of large labor organizations to enforce fiduciary duties under the Employee Retirement Income Security Act (ERISA). The

Branch represents agencies in civil actions to enforce the Ethics in Government Act against present and former Federal officials; seeks judicial enforcement of Inspector General subpoenas and litigates civil penalty actions under a variety of Federal statutes.

One of the Branch's responsibilities includes instituting civil actions under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA). Under the terms of the Act, the Attorney General, in addition to pursuing criminal liability, can seek civil penalties of up to \$1 million for financial institution misconduct.

Branch attorneys spent the majority of their time, more than 78 percent, litigating cases in 1994. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys Offices. Each Branch attorney handled an average of nine cases in 1994, with the total number of hours per case averaging 217. Attorneys reported an average of 34 days of unpaid overtime during 1994. The total overtime hours reported by Federal Programs Branch attorneys translate into 14 additional workyears.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goal:

To meet or exceed an annual success rate of 78 percent in personally and jointly handled trial cases.

Performance Indicator:

Percent of closed trial cases won 87 88 78 78

Estimates
1993 1994 1995 1996

Because the primary mission of the Federal Programs Branch is to prevail in trial litigation, the Branch measures its performance by tracking the percentage of trial cases disposed in which successful outcomes were obtained. Its performance target is 78 percent. As the chart above shows, in 1994, the Branch had a success rate of 88 percent in trial cases decided or dismissed by the courts, exceeding its target by 10 percent.

Factors Affecting Program Performance:

Cases retained by the Federal Programs Branch can be distinguished by one or more of the following characteristics: issues of vital importance to the President, Executive Branch agencies or to Congress (e.g., challenges to the commitment of troops in the Persian Gulf War; defense of the Brady Act); litigation involving numerous judicial districts and requiring national coordination (e.g., homosexual in the military; Federal reimbursements for the costs of illegal aliens); issues of national significance (e.g., meat and poultry inspection rules; abortion funding by states). Not only are the cases controversial, they are often fast-paced, erupting quickly and requiring a substantial dedication of attorney resources. These factors have a definite bearing on the Branch's ability to prevail in court. Resource availability also comes into play; sweeping changes to the nation's welfare system, for example, will require the preservation of a centralized cadre of attorneys skilled in constitutional and administrative litigation.

The workload of the Federal Programs Branch is presented in the following table:

Item	Estimate	
	1995	1996
Cases Handled by Federal Programs Staff		
Pending Beginning of Year	520	521
Received During Year	384	413
Terminated During Year	383	349
Pending End of Year	521	585
Direct Dollars at Issue (Millions)	\$3,432	\$3,652
Authorized for Litigation by U.S. Attorneys	2,686	3,135
		3,071
		3,192

Specific examples of the Federal Program Branch's outstanding record over the past year follow:

The Brady Gun Control Act, which has been hailed as landmark legislation in the Federal Government's anti-crime efforts, includes provisions for a five-day waiting period for the sale of a handgun, background checks of purchasers and other requirements. The Branch has defended the Act against several constitutional challenges and defeated efforts to invalidate the entire Act under the Fifth and Tenth Amendments. Even in those instances where the district courts have invalidated the provision mandating that local law enforcement officials do background checks, the courts accepted the Government's arguments to sever that provision, and have upheld the validity of the five-day waiting period and the mandate that dealers provide information on gun buyers to local law enforcement officials prior to finalizing the sale. In *Todd v. Reno*, the Branch successfully defeated, on standing grounds, the first challenge to the Violent Crime Control and Law Enforcement Act of 1994's ban on semiautomatic assault weapons.

The Branch successfully defended the constitutionality and validity of the Freedom of Access to Clinic Entrances Act (FACE) in six district courts. FACE proscribes the use of force, threats of force and physical obstruction to injure, intimidate or interfere with individuals who use or provide reproductive health services. The courts have accepted the Government's arguments that FACE does not abridge rights guaranteed by the First, Fifth, Eighth, Tenth or Fourteenth Amendments; is authorized by the Commerce Clause; and does not violate the Religious Freedom Restoration Act.

Six states -- Florida, Texas, California, Arizona, New Jersey and New York -- have filed similar claims seeking billions of dollars in alleged reimbursement from the Federal Government for the costs of providing state and local government services to illegal aliens. The cases cite numerous legal theories that focus on the Federal Government's exclusive control over the borders, as well as specific statutory claims under programs such as Medicaid, education assistance and grants for the costs of prisons. The Branch obtained the dismissal of Florida's suit on political question grounds, while the judge in the Texas case stated from the bench that he intended to dismiss that case as well.

The Branch defended various provisions of the Cable Consumer Protection and Competition Act of 1992 against constitutional attack by the cable industry. The Supreme Court rejected First Amendment challenges to the "must carry" requirements of the Act which mandate that cable operators carry specified "over the air" broadcasters. Turner Broadcasting Systems, Inc. v. F.C.C. was remanded for findings as to sufficient evidence to sustain the requirement. In Daniels v. F.C.C., the Branch defeated the plaintiffs' challenges to most of the provisions of the Act, including rate regulation, while losing on only three of the provisions challenged.

The Branch continued its successful defense of the foreign economic sanctions programs instituted by the President pursuant to the Trading with the Enemy Act and the International Emergency Economic Powers Act. Cases handled by the Branch have arisen under the Cuban, Libyan, Iraqi, Panamanian and Yugoslavian sanctions regulations. These cases involved significant foreign policy and national security concerns, including the need to preserve assets in the United States for future negotiations with the sanctioned governments.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Federal Programs	150	\$16,087	150	144	\$16,004	...
						(\$83)

This decrease represents the Federal Programs Branch's share of the program reductions described in the Multi-Activity exhibit on page D-4.

1995 Appropriation Anticipated

	1995 Base		1996 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Consumer Litigation	35	\$4,615	35	39	\$4,834	...
						(\$24)

LONG-RANGE GOAL: To protect consumers from defective or harmful products and from unfair and deceptive trade practices.

MAJOR OBJECTIVES:

To enforce Federal consumer protection statutes through the institution of affirmative civil litigation.

To consider the prosecutorial merit of criminal matters under consumer protection statutes and initiate or assist in the conduct of appropriate criminal proceedings.

To defend the United States when initiatives and programs of the principal consumer protection agencies are challenged in court.

BASE PROGRAM DESCRIPTION: The Office of Consumer Litigation safeguards the public in the marketplace by enforcing Federal consumer protection laws. Attorneys initiate legal actions against individuals and corporations in order to protect public health and safety and to regulate deceptive or unfair trade practices in interstate commerce. Unlike most Civil Division components, the Office's litigation is primarily affirmative and frequently results in criminal fines and convictions. The Office pursues health care fraud perpetrated by the manufacturers and distributors of drugs and medical devices. Attorneys handle criminal prosecutions in economic fraud matters that can endanger or exploit unsuspecting consumers and cost billions of dollars each year: adulterated and misbranded food and drugs, hazardous and unsafe household products, fraudulent medical testing, odometer tampering, unfair credit practices and deceptive advertising and selling. Attorneys obtain convictions and impose millions of dollars in fines every year under the Food, Drug and Cosmetic Act.

In defensive litigation, the Office represents the Government in suits challenging the policies of consumer protection agencies. Among the Office's client agencies are the Food and Drug Administration, the Federal Trade Commission, the National Highway Traffic Safety Administration and the Consumer Product Safety Commission. In 1994, the Office had a total caseload of 572 cases.

Office attorneys spent the majority of their time, 79 percent, litigating cases in 1994. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys Offices. In 1994, the average number of cases per attorney was 20. Attorneys reported an average of 62 days of unpaid overtime during 1994, the highest average in the Civil Division. The total overtime hours reported by Office of Consumer Litigation attorneys translate into seven additional workyears.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goal:

To win annually at least 98 percent of the total dollar claims in personally and jointly handled affirmative cases.

Performance Indicator:

	1993	1994	1995	1996
Percent of affirmative claims won	100	100	98	98
Relief and Penalties Sought (in Millions)	\$8.8	\$36.4	\$9.6	\$9.9
Relief and Penalties Awarded (in Millions)	\$8.8	\$36.4	\$9.4	\$9.7

Because the primary mission of the Office of Consumer Litigation is to enforce Federal consumer protection statutes through affirmative litigation, the Office measures its performance by tracking the percentage of dollars awarded to the Government out of total dollars sought in trial cases disposed. Its performance target is 98 percent. As the chart above shows, in 1994, the Office won \$36.4 million in criminal penalties and civil judgments and settlements, achieving a success rate of 100 percent.

Factors Affecting Program Performance:

The Office of Consumer Litigation is the smallest litigating staff in the Civil Division. Relatively small changes in the number of on-board attorneys have a relatively large impact on this Office's ability to handle additional referrals. Consequently, achievement of the ambitious target that the Office has set will hinge on its ability to maintain current staffing levels.

The workload of the Office of Consumer Litigation is presented in the following table:

	1993	1994	1995	Estimate 1996
Cases Handled by Consumer Staff				
Pending Beginning of Year	438	444	459	452
Received During Year	146	128	157	189
Terminated During Year	140	113	164	170
Pending End of Year	444	459	452	471
Received and Referred to U.S. Attorneys	131	99	112	111

Several of the Office of Consumer Litigation's accomplishments over the past year follow:

The Office's criminal investigation of Ortho Pharmaceutical Corporation, which was conducted with the U.S. Attorney's Office for New Jersey, resulted in Ortho pleading guilty to ten felony charges involving obstruction of justice and false statements and agreeing to pay \$7.5 million in criminal fines and restitution costs to the Government. The case began as a criminal investigation of Ortho's alleged promotion of Retin-A, an acne drug, for use in the treatment of wrinkled skin, a use not approved by FDA. At the onset of the investigation, Ortho employees shredded a large number of documents concerning the promotion of Retin-A and removed Retin-A video tapes from the company. These materials were called for by a grand jury subpoena served the day the documents were destroyed; the employees' actions were the core of the charges to which Ortho pleaded guilty.

The Office obtained the conviction of eight individuals in a case which involved the fraudulent addition of cheap sugar to more than \$100 million worth of orange concentrate falsely labeled and sold as 100 percent pure juice. The defendants in *United States v. James V. Maya, et al.*, were fined and sentenced to terms of up to eight years, eight months. In *United States v. Kohlback*, the Sixth Circuit Court of Appeals ruled in the Government's favor on numerous sentencing issues arising out of separate juice adulteration prosecutions.

The Office, in conjunction with the U.S. Attorney's Office for the District of Maryland, has pursued a criminal investigation of generic drug manufacturers which has targeted intentional deviations from approved pharmaceutical formulas and the preparation of fraudulent records to hide those deviations from the Food and Drug Administration (FDA) -- illegal practices which potentially endanger the public health. During the past year, four corporations and twelve individuals were convicted,

and more than \$5 million in criminal fines was recovered. Thus far, the investigation has led to the conviction of 54 individuals and 14 companies, and the recovery of fines totaling more than \$30 million. Moreover, the investigation has resulted in lengthy prison sentences unprecedented in the pharmaceutical industry, the debarment of scores of individuals from that industry and the withdrawal of hundreds of new drug approvals.

In 1994, the Office filed suit to enjoin the manufacturer of the "Miracle Ear" hearing aid from disseminating false advertisements about its hearing aids and to recover civil penalties of up to \$10,000 per violation for hundreds of thousands of broadcast and print violations. During the past year, the Office successfully resolved more than 20 cases against individuals and businesses that violated the Federal Trade Commission's statutes and rules, resulting in assessment of over \$5.1 million in civil penalties.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY
Consumer Litigation		35	39		35	39		\$4,810	
									(\$24)

This decrease represents the Office of Consumer Litigation's share of the program reductions described in the Multi-Activity exhibit on page D-4.

1995 Appropriation

	Anticipated			1996 Estimate			Increase/Decrease		
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY
Immigration Litigation	54	62	\$6,781	57	64	\$7,256	3	2	\$147

LONG-RANGE GOAL: To successfully defend challenges to immigration programs, policies and initiatives and to conduct civil litigation under the Immigration and Naturalization laws.

MAJOR OBJECTIVES:

To prevail in all civil immigration litigation arising under the Immigration and Nationality Act and related laws, including appellate litigation challenging trial court or administrative decisions in favor of the United States.

To promote and uphold enforcement activities involving the apprehension, detention and expulsion of aliens who lack lawful authority to remain in the United States.

To represent the United States in civil litigation brought against officers of the Immigration and Naturalization Service and other immigration-interested agencies in their official capacities.

BASE PROGRAM DESCRIPTION: The Office of Immigration Litigation defends the Government against challenges to the immigration laws, policies and administrative procedures that regulate the movement of aliens across and within our nation's borders. The Office conducts civil trial and appellate litigation under the Immigration and Nationality Act, as well as litigation arising under the immigration reforms of 1986 and 1990, including the new immigrant and non-immigrant visa systems and the employer sanction provisions. While the Office represents primarily the Immigration and Naturalization Service (INS) and its employees in civil litigation brought against them, it also represents the Department of State in cases concerning the issuance of passports and visas.

The Office conducts litigation in both the Federal district courts and circuit courts of appeals throughout the United States. Before the circuit courts, the Office responds to review petitions by individual aliens challenging orders of deportation, orders of exclusion, denials of political asylum and other discretionary immigration benefits. The Office also handles petitions seeking review of employer sanctions and appeals of district court immigration decisions. Before the district courts, the Office responds to habeas corpus actions seeking to thwart detention or deportation, and to individual suits and class actions challenging immigration policy and enforcement actions by the Attorney General and the Secretary of State. In 1994, the Office's caseload was 2,142 of which 1,899 cases, or 89 percent, were appellate matters and 243 cases, or 11 percent, were trial cases.

The breadth and variety of the Office's litigation reflects the differing circumstances and motivations of the millions of persons who cross our borders each year. Depressed economic conditions throughout the world, coupled with pockets of political instability and civil discord, have resulted in a steadily increasing workload for both the INS and the Office of Immigration Litigation. For example, the Office has been handling an increasing number of cases involving efforts to remove criminal aliens from the United States, defending the Board of Immigration Appeals in its limitation of discretionary deportation relief to criminal aliens and the recent statutory reforms that bar relief to aggravated felons. The Office has continued to support efforts to reform the asylum process and refugee procedures, defending the Administration's response to smuggled Chinese aliens. And, the Administration's response to mass migration has been upheld through litigation pertaining to the interdiction and repatriation of Haitians and the continued detention and repatriation of certain Mariel Cubans.

The number of deportable aliens apprehended by the INS and subsequent deportation and exclusion actions by Immigration Judges and the Board of Immigration Appeals have resulted in a growing caseload for Office attorneys before the courts of appeals. In particular, the Challenges to Exclusion caseload skyrocketed 84 percent between 1991 and 1994. The Office was able to absorb this workload growth due to a 1994 reprogramming of positions. The enactment of the Violent Crime Control Act of 1994, which provides resources to increase apprehensions and adjudications of illegal aliens, will contribute to a 92 percent expansion in the Challenges to Exclusion caseload in 1996 (from the 1994 level). A description of the Civil Division's implementation of Violent Crime Control Act resources within the Office of Immigration Litigation may be found in the Civil Division's Violent Crime Reduction Trust Fund budget.

Office attorneys spent the majority of their time, approximately 74 percent, litigating cases in 1994. The remainder of attorneys' time was mostly spent advising client agencies and the U.S. Attorneys Offices. In 1994, the average number of cases per attorney was 58, the highest average in the Civil Division. Attorneys reported an average of 40 days of unpaid overtime during 1994. The total overtime hours reported by Office of Immigration Litigation attorneys translate into six additional workyears.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goal:

To exceed an annual success rate of 90 percent in all personally and jointly handled cases.

Performance Indicator:	Estimates	
	1995	1996
Percent of cases won	96	90

Because the primary mission of the Office of Immigration Litigation is to prevail in trial and appellate litigation, the Office measures its performance by tracking the percentage of trial and appellate cases won. Its performance target is 90 percent. As the chart above shows, in 1994, the Office had a success rate of 98 percent in personally and jointly handled cases decided or dismissed by the courts, surpassing its target by 8 percent.

Factors Affecting Program Performance:

The workload of the Office of Immigration Litigation is almost entirely defensive. Political instability in one part of the world could rapidly create a flood of would-be immigrants and a huge legal problem for the government (the Haitian refugees offer one example). Administration initiatives to bring about asylum reform and expedite the removal of criminal aliens will cause an explosion in the number of cases handled by this Office. While many of the cases will involve individual challenges to administrative decisions (e.g., deportations, exclusions, denials of benefits) the Office also expects collateral attacks challenging the new policies and procedures. To the extent that resources cannot keep pace with cases, or, to the extent that the Office is flooded with complex and controversial policy challenges, its ability to achieve its targets will be hindered.

The workload of the Office of Immigration Litigation is presented in the following table:

Item	Estimates	
	1995	1996
Cases Handled by Immigration Staff		
Pending Beginning of Year	866	896
Received During Year	1,103	1,246
Terminated During Year	1,073	1,187
Pending End of Year	896	955
Authorized for Litigation by U.S. Attorneys	821	790

Specific examples of the Office of Immigration Litigation's successes over the past year include the following:

The Office prevailed in various courts of appeals in cases involving efforts to remove criminal aliens from the United States. In Mansoori v. INS, Haitiani-Nikoumand v. INS and Rodriguez-Padron v. INS, the Office successfully defended the Board of Immigration Appeal's limitation of discretionary deportation relief to criminal aliens. Additionally, the Office obtained judgments sustaining recent statutory reforms that bar relief to aggravated felons in Baez v. INS, Nakhleh v. INS and Kerov v. INS. The Office also successfully defended efforts to close the special agricultural worker program to fraudulent and criminal applicants in Naranjo-Aguilera v. INS and Mendoza-Solis v. INS. The Office continues to prosecute cases seeking the removal of alien terrorists from the United States, for example, American Arab Anti-Discrimination Committee v. Reno.

The Office has supported efforts to reform the asylum process and refugee procedures, as well as efforts to plan for and respond to mass migration. The Office successfully upheld the Government's response to smuggled Chinese aliens who asserted a fear of persecution based on the birth control policies of the People's Republic of China in Yang Cheng Huan v. Carroll and Yang You Yi v. Maughan. The Office successfully defended programs for the interdiction and repatriation of Haitians in Haitian Centers Council v. Sale; the off-shore detention and repatriation of Cuban rafters in Cuban-American Bar Association v. Christopher; and the continued detention and repatriation of certain Mariel Cubans in Barraza-Echavaria v. Rison.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Immigration Litigation	54	62	\$7,109	57	64	\$7,256	3	2	\$147

For a description of \$36,000 in program reductions, see the Multi-Activity exhibit on page D-4.

The Civil Division requests 3 positions, 2 workyears and \$183,000 as part of a Department-wide initiative to expedite the removal of deportable aliens. As INS intensifies its efforts to identify and deport illegal aliens, and the Executive Office for Immigration Review (EOIR) expands its capacity to perform administrative hearings, it will be crucial to have the litigative power to uphold administrative decisions when challenged in the courts of appeals. This is the minimum needed to secure the success of this initiative.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Anticipated	110	116	\$11,069	110	119	\$11,725	110	119	\$11,654	..	..	(\$71)

Management and Administration

LONG-RANGE GOAL: Direct the conduct and supervision of all litigation and other matters delegated to the Civil Division by the Attorney General and other Administration officials in an economical and successful manner.

MAJOR OBJECTIVES:

To provide legal guidance on Administration policies, programs and initiatives.

To assist in reducing the Federal deficit by effectively managing high-stakes litigation and by avoiding unnecessary litigation costs.

To invest in the highest caliber human capital and support systems to improve attorney productivity and promote excellence.

BASE PROGRAM DESCRIPTION: As the "Government's lawyer," the Civil Division defends programs vital to the Nation, representing up to 200 "clients" yearly from all branches of the Government. The lion's share of the cases involve huge monetary claims -- dollars at issue totalled almost \$75 billion in 1994. Not only must the Civil Division assert the Government's financial interests in the courts, it must conduct and manage litigation in a financially responsible manner. The Civil Division has promoted the productivity of its attorneys by investing in the following technologies:

- Automated Litigation Support (ALS). ALS is a chief factor in winning cases and enhancing productivity. It provides a practical means of putting millions of pages of evidentiary documents at attorneys' fingertips -- freeing them to develop legal theories and case strategies. Document screening, microfilming, computerization and trial preparation services provided via contract afford essential flexibility to a work environment characterized by sudden change. The ALS spigot can be turned on and off in response to precipitous case developments such as the influx in one day of some 3,000 Vaccine claims or the re-activation of the long-dormant multi-billion dollar Washington Public Power Supply System litigation. This feature of the program has been pivotal in winning cases ranging from Hughes to Prescott.
- Office automation. AMICUS is the Civil Division's integrated, automated, legal and management system. When it was developed in 1981, AMICUS broke new ground in labor-saving techniques. Now it serves over 3,100 employees Department-wide. By providing instant access to word processing, electronic mail, automated legal data bases and brief banks, electronic spreadsheets, database management and other internal and external databases, AMICUS enables better organization and management of work efforts, elements critical to greater efficiency and effectiveness.
- Automated case management. CASES, the Civil Division's Automated Case Management System, is a multi-purpose and invaluable management tool. Through CASES, the Civil Division's managers are able to track cases from receipt to judgment enforcement, tracing litigation histories and evaluating trends and resource use with a few keystrokes. This productivity-enhancing innovation ushered in the legal divisions' first totally automated case management system and continues to set the standard for case and time tracking for the Department.

ACCOMPLISHMENTS AND WORKLOAD: The following table provides total summary data on cases personally handled by the Civil Division. The data is derived from CASES, the Civil Division's automated case tracking and timekeeping system. Projections are based on historical data.

Item	1993	1994	1995	Estimate 1996
Cases Handled by Civil Division				
Pending Beginning of Year	13,325	12,788	13,008	13,416
Received During Year	7,152	7,079	8,187	9,292
Terminated During Year	7,689	6,859	7,779	8,899
Pending End of Year	12,788	13,008	13,416	13,809
Direct Dollars at Issue (Million)	\$74,737	\$75,757	\$79,296	\$82,228
Received and Referred to U.S. Attorneys	13,449	14,269	14,838	15,420

The successful efforts of the Civil Division generate concrete savings for the U.S. Treasury. In 1994, the Civil Division defeated the vast majority of claims against the Government, saving the Treasury billions of dollars. Awards and settlements were secured in a wide range of affirmative cases including Defense procurement and health care fraud; qui tam suits; loan defaults; bankruptcies; counterfeit drugs and environmental damage. In 1994, total collections far exceeded adverse claims awarded, generating a substantial net yield to the Treasury:

- **Affirmative Awards.** The Civil Division secured \$1.28 billion for the Government in court-imposed awards and negotiated settlements.
- **Collections.** Although many awards and settlements require long-term servicing, collections by the Civil Division or its client agencies totaled almost \$630 million, of which \$620 million was cash deposited in the Treasury, \$2 million was property transferred to the U.S. and \$8 million was offsets of agency obligations.^{1/}
- **Defense Against Monetary Claims.** In cases defended by the Civil Division, claimants sought payouts by the Government of \$9 billion. Approximately 96 percent of these claims were defeated, with Government losses held to just \$375 million. With respect to rate of return over expenditures, few organizations can boast of a higher yield. At the 1994 budget of \$118.3 million, for each dollar spent, almost \$11 in monetary recoveries were achieved; over \$5 in cash collections were returned to the U.S. Treasury.

PROGRAM CHANGES:

Management and Administration	1996 Base		1995 Estimate		Increase/Decrease	
	Perm.	MX Amount	Perm.	MX Amount	Perm.	MX Amount
	Poa.	119	Poa.	119	Poa.	MX
		\$11,725		\$11,654		Amount
						(\$71)

This decrease represents the Management and Administration share of the program reductions described in the Multi-Activity exhibit on page D-4.

1/ Excludes \$359 million collected by the U.S. Attorneys Offices in 1994 in jointly handled cases.

Civil Division
Salaries and expenses, General Legal Activities
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Appellate	Torts	Commercial	Federal Programs		Consumer	Immigration		Management and Admin.	Total		
	Pay Raise Amount	Pay Raise Amount	Pay Raise Amount	Pay Raise Amount	Pay Raise Amount	Pay Raise Amount	Pos. Amount	Pay Raise Amount	Pay Raise Amount	Pos. Amount	Pay Raise Amount	Amount
Grades												
GS-13.....	...	...	...	...	...	...	2 106	...	...	2 106	...	...
GS-6.....	...	...	...	...	...	...	1 27	...	...	1 27	...	...
Total positions and annual rate	...	...	...	...	...	...	3 133	...	...	3 133	...	...
Lapses.....	...	...	...	...	...	...	(1) (66)	...	...	(1) (66)	...	...
Total workyears and personnel compensation.....	(27)	(77)	(811)	...	(47)	(14)	2 67	(21)	(39)	2 67	(1,036)	...
Personnel benefits.....	...	...	...	...	...	...	...	...	...	...	...	...
Travel and transportation.....	...	...	...	...	...	...	...	...	...	...	...	...
Transportation of things.....	...	...	...	...	...	...	...	...	...	...	...	...
GSA Rent.....	...	...	...	...	...	...	...	...	...	...	...	...
Other rent.....	...	...	...	...	...	...	...	...	...	...	...	...
Printing.....	...	...	...	...	...	...	...	...	...	...	...	...
Other services.....	(7)	(21)	(28)	4,000	(12)	(3)	...	(5)	(11)	...	(87)	4,000
Supplies and materials.....	...	...	...	...	...	...	...	...	...	...	...	...
Equipment.....	(14)	(39)	(57)	...	(24)	(7)	...	(10)	(21)	...	(172)	...
Total program workyears and obligations 1996.....	(48)	(137)	(896)	4,000	(83)	(24)	2 183	(36)	(71)	2 183	(1,295)	4,000

Civil Division
Salaries and expenses
Priority Rankings

<u>Program</u>	<u>Base Program</u>	<u>Ranking</u>	<u>Program Increase</u>	<u>Ranking</u>
Federal Appellate Activity		1		1
Commercial Litigation		2		2
Immigration Litigation		3		
Torts Litigation		4		
Federal Programs		5		
Consumer Litigation		6		
Management and Administration		7		

Civil Division
Salaries and expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		1996	
	Authorized	Reimbursable	Authorized	Reimbursable	Program Increases	Total Authorized | Reimbursable
Attorneys (905)	603	13	589	17	2	591 | 17
Paralegal Specialists (950)	62	1	55	5	1	56 | 5
Gen. Admin. Clerical and						
Office Services (300-399)	314	4	314	14	...	314 | 14
Total	979	18	958	36	3	961 | 36
Washington	939	18	918	36	3	921 | 36
U.S. Field	39	...	39	...	...	39 | ...
Foreign Field	1	...	1	...	...	1 | ...
Total	979	18	958	36	3	961 36

Civil Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$	1		1		1		...	
ES-5, \$	1		1		1		...	
ES-4, \$	23		23		23		...	
ES-3, \$	4		5		5		...	
ES-2, \$	1		3		3		...	
ES-1, \$	5		2		2		...	
GS/GM-15, \$	375		374		374		...	
GS/GM-14, \$	118		116		116		...	
GS/GM-13, \$	77		71		73		2	
GS-12, \$	41		38		38		...	
GS-11, \$	52		48		48		...	
GS-10, \$	6		6		6		...	
GS-9, \$	50		45		45		...	
GS-8, \$	39		38		39		1	
GS-7, \$	119		120		120		...	
GS-6, \$	35		33		33		...	
GS-5, \$	10		10		10		...	
GS-4, \$	15		17		17		...	
GS-3, \$	2		2		2		...	
GS-2, \$	5		5		5		...	
Total, appropriated positions	979	58,583	958	59,683	961	61,956	3	2,273
Pay above stated annual rates	...	223	...	...	...	...	...	...
Lapses	(85)	(4,362)	(36)	(2,063)	(34)	(2,192)	2	(129)
Savings due to lower scales for part of year	...	(565)	...	(211)	...	...	...	211
Net full-time permanent	894	53,879	922	57,409	927	59,764	5	2,355

	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other than permanent:								
Part-time permanent	19	1,236	19	1,267	19	1,315	...	48
Temporary employment	48	625	42	585	42	607	...	22
Other personnel compensation:								
Overtime	2	76	8	82	8	82	...	...
Other Compensation .....	...	638	...	630	...	294	...	(336)
Special personal services payments.....	...	2,551	...	2,675	...	1,975	...	(700)
Total, workyears and personnel compensation	963	59,005	991	62,648	996	64,037	5	1,389
Average ES Salary		(\$104,185)		(\$108,975)		(\$113,682)		
Average GS/GM Salary		(\$ 59,840)		(\$ 62,300)		(\$ 64,470)		

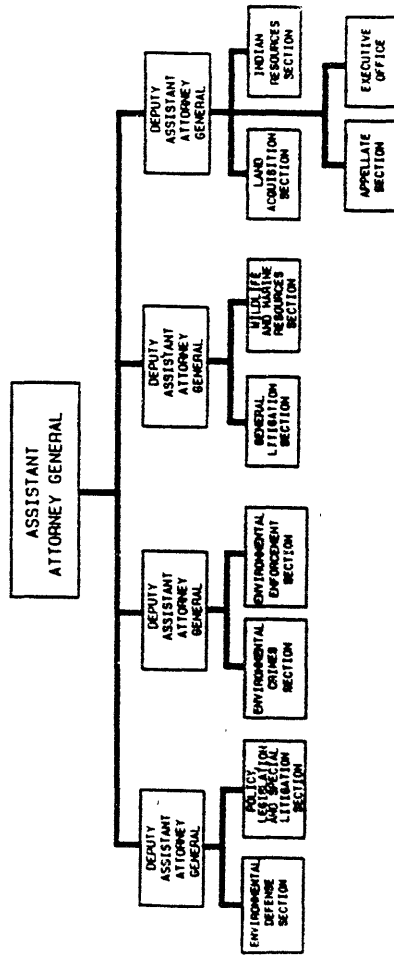
Civil Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

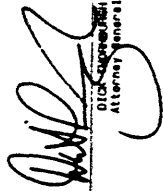
Object Class	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount ⁶	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent.....	894	\$53,879	922	\$57,409	927	\$59,764	5	\$2,355
11.3 Other than full-time permanent.....	67	1,861	61	1,852	61	1,922	...	70
11.5 Other personnel compensation.....	2	714	8	712	8	376	...	(336)
11.8 Special personnel services payments.....	...	2,551	...	2,675	...	3,275	...	(720)
Total.....	963	59,005	991	62,648	996	64,017	5	1,369
Reimbursable workyears:								
Other than permanent.....	(18)		(36)		(36)		(...)	
Other objects:								
12 Personnel benefits.....	12,314		13,004		13,922			918
13 Benefits to former personnel.....	39		177		178			1
21 Travel and transportation of persons.....	3,432		3,698		3,708			10
23 Transportation of things.....	329		367		368			1
23.1 GSA rent.....	12,658		11,890		14,417			2,527
23.2 Rental payments to other.....	4		...		...			...
23.3 Communications, utilities, and miscellaneous charges.....	5,933		2,482		2,331			(151)
24 Printing and reproduction.....	1,123		1,027		1,029			2
25 Other services.....	21,786		21,284		27,099			3,815
26 Supplies and materials.....	1,001		816		817			1
31 Equipment.....	1,842		172		14			(158)
42 Insurance Claims & Indemnities.....	1		...		...			...
Total obligations.....	963	119,467	991	119,565	996	127,920	5	6,355

⁶ Amount includes \$4,550,000 carried forward from 1993 and excludes \$3,200,000 carried forward into 1995.

⁷ The 1995 and 1996 estimates of obligations differs from that shown in the President's Budget Appendix due to erroneous calculation of carryforward.

ENVIRONMENT AND NATURAL RESOURCES DIVISION



Approved:  Date: 1-11-93
 Director
 Attorney General

* Section Assignments Subject to Change

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities

Crosswalk of 1995 Changes
(Dollars in thousands)

	1995 Request		Congressional Actions on 1995 Request		Reprogramming		1995 Appropriation Anticipated	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Appellate and Policy	38	40	\$4,226	...	...	...	38	40
Environmental Protection	255	233	32,713	-30	-13	-1,702	225	220
Natural Resources	162	161	19,613	-6	-3	-1,150	156	158
Management and Administration	42	48	4,618	-4	-2	-129	38	46
Subtotal	497	482	61,170	-40	-18	-3,000	457	464
Reimbursable Workyears	242	...	...	...	...	...	242	...
Total Compensable workyears	724	...	...	...	...	...	706	...

Congressional Action on 1995 Request. Without comment, the House-Senate Conference reduced the Environment Division's requested program increase by \$3,000,000.

Reprogramming. This is a one-time reprogramming to the Criminal Division and Interpol to fund a shortfall in GSA Rent resources. This transaction has been approved by OMB and the Congress.

1 1995 Request amount reflects reductions of \$120,000 for GSA rent and \$90,000 for procurement savings.

Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Justification of Multi-Activity Program Changes
(Dollars in thousands)

	Absorption of the 1976 PAY INCREASE FOR
Appell	-841
Environment .....	...
Protection	-306
Natural Resources .....	...
Management and Administration	-182
Total	<u>-44</u>
	...
	-573

Explanation. In order to fund the projected \$73,000 cost of the 1996 pay raise, the division will be forced, once again, to cut contract litigation support for civil enforcement cases. The effect of this is better understood programatically. A cut of nearly \$600,000 will not only force the Division to reduce or eliminate all non-essential litigation activities such as client counseling and AMUCS case filings but force us to delay or defer the filing of civil and criminal enforcement cases, because our defensive case handling is non-discretionary. Importantly, we are concerned that the forced absorption will undermine our affirmative enforcement programs and reduce our ability to deter violations and recover costs over time. These same programs return many times as much money to the Treasury as they cost to operate, even in the near term, the loser is the American taxpayer.

**Justification of Program and Performance
Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
(Dollars in thousands)**

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease					
	For	NY Amount	For	NY Amount	For	NY Amount	For	NY Amount				
Appellate & Policy	36	40	\$4,207	37	40	\$4,301	37	40	\$4,260	-\$41

LONG-RANGE GOAL:

To defend or assert the government's position in Environment and Natural Resources Division cases in the appellate courts and to provide legislative, public and Congressional liaison services for the Division's programs.

MAJOR OBJECTIVES:

To defend successful trial court decisions and to file appeals from adverse decisions in all cases where appellate review is warranted. To fully satisfy client agencies by formulating legal positions and providing policy guidance and legislation that best represent their interests.

To monitor private party cases and participate as amicus curiae in selected cases.

ANNUAL PERFORMANCE GOALS:

To maintain an 85% or better "win" rate in all appeals.

To file at least 25 amicus briefs, including some on behalf of Native Americans.

BASE PROGRAM DESCRIPTION: This decision unit includes two discrete sections, Appellate, and Policy, Legislation and Special Litigation.

The Appellate Section of the Environment and Natural Resources Division handles 95 percent of its cases as staff-lead, and works closely with the U.S. Attorneys and Division attorneys handling the remainder. Most work involves preparing briefs and oral arguments. This requires independent research as well as coordinating the positions of client agency staff and trial section attorneys, analyzing the bases for appeal, and seeking permission from the Solicitor General's Office to appeal adverse decisions. The unit also prepares draft briefs for the Solicitor General.

The Policy, Legislation and Special Litigation section (PLSL) is responsible for reviewing and commenting on legislative proposals affecting the Division's programs. Many environmental statutes are the subject of new legislative proposals, which benefit from analysis by the Division. After a bill is passed by Congress, the section's responsibility involves analysis of new issues related to the implementation and interpretation of the law, particularly in the first three years when few court decisions exist to give guidance on ambiguities that result from changes in laws. Complete screening of new legislation insures that the Division has detailed information on hand concerning the legislative history for use in litigation which arises after a bill becomes a law. PLSL is responsible for the development of division policies on environmental concerns and the conservation and development of natural resources.

ACCOMPLISHMENTS AND WORKLOAD:

Item	Estimates		
	1993	1994	1995
Pending, beginning of year	1,911	1,807	2,481
Cases/Matters received	2,526	2,944	2,850
Cases/Matters closed	2,630	2,270	2,650
Pending, end of year	1,807	2,481	2,681
Workload Production Estimates:			
Appellate Briefs Filed	223	247	230
Oral Arguments	105	114	120
Memo for the Solicitor General	69	89	100
Substantive Actions	101	106	110
Performance Indicators:			
Courts of Appeals Cases Won	87%	90%	85%
Supreme Court Cases Won	74%	93%	80%
Amicus Cases Filings	11	15	17

In 1994, the Appellate Section prevailed in 159 of its 177 appearances in the Courts of Appeals -- a 90% win rate.

For its part, the PLSL Section continued to keep pace with a near-record number of cases and matters while working on numerous legislative proposals (e.g., development of a new criminal/civil/administrative enforcement scheme for a reauthorized Clean Water Act) superfund reauthorization) while still blazing new trails in several areas. For example, this past year PLSL was involved in a number of issues involving Indians including the implementation of recommendations of the federal delegation to the May 1994 Listening Conference, advising clients on developments and implementation of anticipated amendments to Indian Gaming Regulatory Act and assisting the Attorney General's office on special initiatives regarding Indian Affairs. Another new arena involved Federal Energy Regulatory Commission (FERC) proceedings. PLSL has become involved in monitoring FERC licensing issues, as they affect other federal agencies, and in advising federal agencies participating in FERC administrative proceedings. Finally, PLSL continues to be called upon for advice and assistance regarding legislative and environmental enforcement strategy in a variety of international fora, including those looking into such issues as international trade in hazardous wastes. For example, the PLSL section played a key role in negotiating the NAFTA environmental side agreement and continues to serve on a delegation implementing it. Likewise, PLSL personnel serve on the U.S. delegation to the United Nations Crime Commission, developing the U.S. Crimes Congress. It has also participated in the Administration's ad-hoc Trade and Environment Working Group (under the auspices of the U.S. Crimes Security Council) which is developing a programmatic approach to the use of trade sanctions to enforce environmental goals.

PROGRAM CHANGES:

Appellate & Policy	1996 Base		1996 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount
	37	40 \$4,301	37	40 \$4,260	...	-\$41

For 1996, the Environment Division must absorb the anticipated pay increase. For the Appellate and Policy division unit, the pay increase will cost \$41,000. The most immediate programmatic impact will be a reduction in client counseling. Particularly in controversial areas (e.g.,

salmon, forest management), providing early assistance to our clients has been valuable in preventing litigation and narrowing the focus of cases that are filed against us. Amicus case handling will also suffer -- thereby impairing our "early warning" capability.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount	For	NY Amount
Environmental Protection	225	220 \$30,961	221	230 \$33,497	221	230 \$33,191	...	-\$306

LONG-RANGE GOALS: To defend and enforce federal programs to protect the environment without undue economic costs, and to promote voluntary compliance with the Nation's environmental protection laws.

MAJOR OBJECTIVES:

To fully satisfy client agencies by formulating legal positions that best represent their interests.

To seek and obtain a 90% or better conviction rate in all criminal cases, and criminal fines imposed well in excess of the authorized budget for criminal enforcement activities.

To reduce the time from initiation of a criminal investigation to final charging decision. This will require a refined case tracking system to allow precise measurements, and established numerical goals for significantly reducing the average time from its current level.

To respond to U.S. Attorney Office submissions within time limits established by the newly-adopted U.S. Attorneys' Manual bluesheet.

To function as a resource center and clearinghouse for legal documents -- e.g., indictments, memoranda and briefs.

To increase by 25% the number of defensive district court cases in which we file a motion to dismiss within 60 days of a case being filed.

To defend federal agencies (e.g., Defense, Energy, Interior) whose facilities are the subject of litigation, while encouraging full compliance with environmental standards, and to train federal facility operators (via seminars, conferences or courses) in compliance-related procedures (both civil and criminal).

To vigorously enforce legal standards and limits on pollution and waste discharges by bringing suit in Clean Air Act and Clean Water Act cases and recover fines in amounts equal to or exceeding the cost of the entire program. [\$43 million in 1994.]

To recover funds spent by or on behalf of federal agencies for damage to natural resources within their control. [\$21 million in 1994]

ANNUAL PERFORMANCE GOALS:

To maintain a conviction rate of 85% or better in criminal cases.

To recover enough money in criminal fines, restitution and/or court costs to pay for the criminal program four times over.

To recover at least \$25 for every dollar spent by the Environmental Enforcement Section (including Appropriated and Superfund monies) thus depriving violators much of the economic benefit of noncompliance.

BASE PROGRAM DESCRIPTION: The Environmental Protection unit is comprised of the Environmental Crimes, Environmental Defense, and Environmental Enforcement Sections.

The Environmental Crimes Section prosecutes criminal violations of environmental protection statutes such as the Clean Air Act, Clean Water Act, Resource Conservation and Recovery Act, and Toxic Substances Control Act, where the standards for criminal as opposed to civil sanctions involve willful, knowing violations. This criminal initiative was undertaken first in 1982 when a Crimes Unit was established as part of the Environmental Enforcement Section. In 1987, as a result of the success of the program, a separate Environmental Crimes Section was created within the Division.

The Environmental Defense Section defends rule-making, regulatory and permit actions and decisions made by the Environmental Protection Agency, the Army Corps of Engineers, and the Coast Guard, and represents federal agencies sued for violations of environmental laws. The Section's cases include petitions for review of agency regulations in the appellate courts, district court cases involving permit decisions, and federal facility lawsuits. In addition to its defensive caseload, the Section has responsibility for affirmative litigation to enforce the wetlands laws.

The Environmental Enforcement Section conducts affirmative civil litigation to control and abate pollution. This program is primarily responsible for judicial enforcement of Environmental Protection Agency programs which regulate discharges into the nation's air and water, and govern pesticide operations, solid waste storage, and nuclear waste, and natural resource damages on behalf of many other federal agencies. Approximately 90 percent of civil enforcement actions are personally handled by Environmental Enforcement Section (EES) staff attorneys. The Section also has primary responsibility for Superfund litigation to compel site cleaning and to recover federal funds.

ACCOMPLISHMENTS AND WORKLOAD:

	1993	1994	Estimates
Items	1993	1994	1993 1994
Pending, Beginning of Year	3,883	4,179	4,449 4,559
Cases and Matters received	1,070	1,029	1,000 1,000
Cases and Matters closed	774	759	890 890
Pending, End of Year	4,179	4,449	4,559 4,669
Performance Indicators:			
Indictments and Informations	186	100 ¹	125 125
Convictions/Pleas	124	100	110 110
Conviction Rate	86%	86%	88% 90%

¹ The Section is now recording only those cases in which Section personnel are directly involved; the comparable figure to last year's would be 166 which includes cases handled by the US Attorneys. Estimates for 1995 and 1996 indictments and convictions have been adjusted accordingly.

Performance Indicators (cont'd.)

	1993	1994	Estimated
Ratio of Criminal Case Recoveries to Budget	4:1	7:1	4:1
Ratio of Civil Recoveries/Penalties/Natural Resource Damages to Budget	27:1	33:1	25:1

Since its inception in October 1982, the Environmental Crimes Section has had impressive results. Over 1,350 corporations and individuals have been charged with environmental and other related criminal offenses and over 1,000 defendants have pled guilty or been convicted, more than \$290 million in criminal penalties have been assessed and over 530 years of jail time imposed. In 1994, the Crime Program nationwide recorded indictments against 161 defendants, 118 convictions and the imposition of over \$25 million in monetary penalties to include federal fines and restitution to both federal and state governmental programs.

As ever, the Environmental Defense Section worked hard in 1994 to defend various client programs. Among its more notable successes this past year was an important and potentially precedential case involving a multi-million dollar claim under the "superfund" statute, based on the government's defense-production role during Vietnam. [United States v. Miller, et al. (S.D. Ark.)] Defendants alleged that the government should pay a huge portion (anywhere from \$35-70 million) of the cleanup costs, because some of the dioxin contaminated the site when the plant at the site was producing the defoliant "Agent Orange" for the Vietnam War. The defendants argued that because the United States had certain regulatory powers over defense plants -- such as the authority to order the plant to order the defense work over other work, and the power to order other companies to provide raw materials to the plant -- the United States was liable under CERCLA as an "operator" of the plant. EDS assigned a team of three attorneys to this case, who sifted through thousands of documents and took numerous depositions. Subsequently, the court granted the United States' motion that the government's defense procurement activities did not make the United States liable as an operator. The court's ruling obviated the need for a lengthy and resource-intensive trial.

In 1994, \$65 million in civil and stipulated penalties were assessed in cases litigated by the Environmental Enforcement Section. Of this total, \$24 million came through Clean Water Act enforcement, \$19 million through Clean Air Act enforcement, and \$13 million through RCRA enforcement. In addition to these penalties, another \$40 million was spent by environmental defendants on supplemental environmental projects in the affected communities. Under Superfund, \$305 million was recovered in cost recovery actions and defendants were compelled to undertake various cleanup activities valued at \$323 million. Also in 1994, the Section obtained \$21 million in natural resource damages cases, for reimbursement of the government's cleanup and damage assessment costs and to restore, replace, or acquire the equivalent of the natural resources.

PROGRAM CHANGES

	1995 Base	1995 Estimate	Increase/Decrease
	For MY Amount	For MY Amount	For MY Amount
Environmental Protection	221	230 \$33,497	221 230 \$33,191 - \$306

For 1996, the Environment Division must absorb the anticipated pay increase. For the Environmental Protection decision unit, the pay increase will cost \$306,000 and will primarily affect our handling of affirmative enforcement cases. It will lead to a slow-down in the filing of large, high-visibility environmental enforcement cases. New initiatives such as the multi-district cases recently filed under the Oil Pollution Act and the wood products initiative under the Clean Air Act could be delayed for as much as a year, because they require contract litigation support to complement attorney efforts. We would continue to accept referrals from EPA, and would continue to initiate cases under all of the environmental statutes, but we would face the difficult choice of negotiating a quick settlement, assigning the cases to EPA staff attorneys (who are mainly trained to write the implementing agency regulations -- and assuming their availability) for handling in district court, or delaying the filing of new cases.

Our concern with this approach is that, within a short period of time, the regulated community would perceive that our enforcement ability has been weakened. When the deterrent of civil enforcement is jeopardized, there is a greater likelihood of non-compliance with these laws. That threat not only affects the environment, it also places law-abiding businesses at a competitive disadvantage with those who believe they can cut corners with impunity.

In addition to a reduction in civil enforcement, the Division's criminal enforcement would be affected. Even though criminal enforcement is a high priority, we would consider scaling back in this area because we have the option to decline cases. We do not have this luxury in eminent domain, or in the wide array of civil lawsuits filed against the United States.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount	For	NY Amount
Natural Resources	156	158 \$18,413	154	161 \$19,466	154	161 \$19,286	...	-\$182

LONG-RANGE GOAL: To defend and promote the public interest in federal land, water, mineral and living resources, and Indian programs, and to obtain real property necessary for public purposes through condemnation proceedings.

MAJOR OBJECTIVES:

To fully satisfy client agencies by formulating legal positions that best represent their interests.

To obtain favorable rulings in 75 to 80% of challenges to federal programs and policies affecting the management and protection of public lands and natural resources.

To successfully assert and maintain the federal government's claims in all water rights proceedings involving federal lands.

To limit the pay-out rate in defensive suits to \$1 dollar for every \$3 claimed.

To represent effectively the interests of Indians where the United States is trustee, especially in water rights matters by assigning attorneys to a growing number of Bureau of Indian Affairs negotiating teams.

To secure the lowest possible compensation awards consonant with fairness to both landowners and the government.

ANNUAL PERFORMANCE GOALS:

To maintain an 85% or better "win" rate in all criminal wildlife cases.

To qualify the government as a "prevailing party" under EAJA in at least 75% of condemnations.

BASE PROGRAM DESCRIPTION: This program includes four sections: the General Litigation, Indian Resources, Land Acquisition and Wildlife and Marine Resources Sections.

The General Litigation Section is the largest of the four sections in this Decision Unit; its cases span over 70 statutory areas administered by several dozen client agencies. Traditional General Litigation cases involve inverse condemnation, in which government actions are alleged to have taken private property; Indian claims for monetary relief from government inaction or mismanagement; defense of federal programs challenged for faulty environmental impact analyses; and, mineral leasing and mining cases on land and in the Outer Continental Shelf.

The spectrum of program initiatives exposed to statutory and constitutional challenge is as broad as the federal portfolio on environmental and public land issues -- and growing. It includes such programs and projects as: biotechnology research, missile and submarine defense, highways, dams, nuclear waste transportation and treatment; challenges to agency actions under the National Environmental Policy Act; decisions regarding Indians and Indian tribes; agency action under the Alaska Native Claims Settlement Act; water rights litigation affecting federal interests including defense of the United States' interest in general stream adjudications; and the federal surface mining program. It also reaches to litigation affecting mineral resources and, as importantly in these days of revenue limitations, to federal royalties. Finally, it extends to include those interests related to adjacent seas and seabed and the determination of the location of the coastline and other maritime boundaries of the United States.

The United States has established trust relationships with various Indians and Indian tribes through a myriad of treaties, statutes and Executive orders. Under these authorities, the government is obliged to perform a number of functions on behalf of these tribes, including litigation to defend their rights. The Indian Resources Section handles these cases, the most important involving water rights. Many Indian reservations lie in the arid portions of the country where competition for water is fierce, and tribal rights to water must be established before reservation lands can be developed. Over 50 million acres of reservation lands, and the rights to major water systems in dry western states are at stake. Other cases in which the government represents the interests of Indians involve the establishment and protection of hunting and fishing rights, and suits to answer questions about tribal rights to self-determination.

The Land Acquisition Section is responsible for acquiring properties needed for Congressionally authorized purposes, but which acquiring agencies are unable to directly purchase. They are obtained through condemnation proceedings in which just compensation is determined and awarded to property owners. Acquisition by condemnation is a means of last resort; agencies are required by law, to the greatest extent practicable, to make every reasonable effort to acquire property by negotiation and direct purchase before requesting condemnation. A top priority is to move these high-exposure cases expeditiously.

The Wildlife and Marine Resources Section has responsibility for both civil and criminal cases arising under the federal fish and wildlife conservation statutes. Litigation under these statutes can play out in any of three different contexts: civil defensive litigation, in which the section defends federal agencies whose programs are challenged as inconsistent with the requirements of federal conservation statutes; civil enforcement actions, principally in which we seek to enjoin persons (which can include private, state, or local entities) from violating federal conservation statutes (these typically are to stop a developer from destroying habitat that is essential to the conservation of protected wildlife); and criminal prosecutions. The principal client agencies of the Wildlife Section are the Interior Department's Fish and Wildlife Service (FWS) and the Commerce Department's National Marine Fisheries Service (NMFS), a branch of the National Oceanic and Atmospheric Administration (NOAA).

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993	1994	1995	Estimate
Pending, Beginning of Year	9,697	9,508	9,158	8,173
Cases and Matters received	1,894	1,848	1,825	1,825
Cases and Matters closed	2,083	3,198	1,810	1,810
Pending, End of Year	9,508	8,158	8,173	8,188

	1993	1994	Estimates
Item			1993
Preliminary Opinions of Title Prepared.....	116	286	100
Final Opinions of Title Prepared.....	117	87	100
Agency-Designated Title Opinions Reviewed.....	1,648	1,808	1,700
Appraisal Reviews (Tracts).....	724	904	1,300

Performance Indicators:			
Indictments and Informations	40	129	75
Conviction Rate	95%	100%	85%
Percent of condemnation cases qualifying as prevailing party	NA	83%	85%

As its name implies, the General Litigation Section has a diverse caseload. Among the most monetarily significant cases they handled this year was one involving disputed oil and gas royalties owed to the United States. [Chevron U.S.A. Inc. v. Nabbitt] Chevron challenged administrative orders, issued by the Minerals Management Service in the Interior Department, to pay additional royalties for oil and gas productions from 1978 to 1988 on the grounds that application of the statute of limitations precluded recovering royalties for the period. In March 1994 however, Chevron entered into an agreement to resolve the royalty dispute and paid the Department of Interior \$150 million.

Among the cases handled by the Indian Resources Section was an action in which the Federal District Court ruled that the Indians of the Mille Lacs Band of the Chippewa Indians in Minnesota have a treaty right to hunt and fish on publicly-owned lands and waters located within the boundaries of land ceded by Indians to the United States pursuant to an 1837 treaty between the United States and a number of bands of Ojibwe Indians. The treaty had reserved to the Indians the "privilege of hunting, fishing, and gathering...during the pleasure of the President" on the lands they had ceded. The state contended that the privilege was later revoked in subsequent treaties. A second noteworthy case was a classic water rights case and involved a 14-day trial after which the state superior court ruled that a broad class of groundwater users were taking water from the sub-flow of the Gila River and were thus required to prove and prioritize their right to use water. Prior to this ruling, the groundwater users had been exempted from the adjudication and thus could take unlimited amounts of water, thereby drying up surface flows and effectively negating any reserved water rights held by the United States. (In Re Gila River Adjudication)

In 1994, the Land Acquisition Section handled claims of \$124.5 million for property which the government valued at \$29.3 million. This difference of \$95.2 million was the critical issue in the Section's lawsuits. Court-awarded judgments for these properties came to \$46.3 million, representing a savings of \$78.2 million (or 62%) of the amount at issue. Thus the Section achieved a savings of four-and-a-half dollars for every contested dollar awarded.

The most noteworthy criminal case prosecuted by the Wildlife and Marine Resources Section last year involved Operation Renegade. In 1994, the Section's Operation Renegade prosecution efforts began to bear fruit. A three-year undercover U.S. Fish and Wildlife Service investigation into illegal trafficking in exotic birds, such as parrots, macaws, and cockatoos, Renegade focused upon smuggling rings operating in all corners of the world.

One ring involved New Zealand, Australia, and the United States and necessitated mutual assistance from the law enforcement authorities of all three countries. In this ring, couriers on commercial aircraft had smuggled birds or viable eggs hidden under their clothing into the U.S., oftentimes returning overseas with contraband eggs or birds picked up here. Other rings uncovered elsewhere involved either Amazon parrots and macaws smuggled into the Rio Grande Valley in Texas from Mexico and other locations in Central America for later distribution to wholesalers throughout the country or shipments of hundreds of African grey parrots imported into the U.S. accompanied by phony papers used to make birds acquired illegally in Africa appear to be legal on paper. To date, 24 defendants have been charged in three separate jurisdictions (CD Calif.,

SD Fla. and MD Ill.) and of these, 18 have been convicted or plead guilty to charges ranging from conspiracy, smuggling, and endangered species act offenses to tax evasion. Together, the 18 have been sentenced to a total of 178 months of incarceration, 72 months of probation, and 336 months of supervised release. In addition, they've been fined or ordered to pay restitution of over \$185,000.

PROGRAM CHANGES

	1996 Base		1996 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount
Natural Resources	134	\$19,286	154	\$19,286	...	...
						-\$182

For 1996, the Environment Division must absorb the anticipated pay increase. For the Natural Resources decision unit, the pay increase will cost \$182,000.

The majority of this decision unit's work is defensive -- and many of these cases also require litigation support (e.g., protected water rights cases). Absorption of \$182,000 in pay costs will bring about a direct cut in contract litigation support. As elsewhere in the Division, contract litigation support is not a luxury; it is the method by which we handle our most important litigation. The Division has no more retreat from litigation support than it can resume writing with a quill pen. Some legal divisions in the Department have no litigation support contracts; instead relying on career staff to manage case documents. We have found that these tasks are better performed by skilled contractors; we also have found that litigation support contracts are far more cost effective than paying 68-15 lawyers to state-stamp documents. Any substantial loss of litigation support capability will affect our case handling qualitatively -- which translates to greater liability exposure and less favorable settlements.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount	For	NY Amount
Management & Administration	38	\$4,489	37	45	\$4,380	45	\$4,380	...
								-\$44

Management & Administration: To efficiently and effectively manage the Environment and Natural Resources Division, and to provide the administrative services and support necessary to carry forward the Division's programs.

LONG-RANGE GOAL: To efficiently and effectively manage the Environment and Natural Resources Division, and to provide the administrative services and support necessary to carry forward the Division's programs.

MAJOR OBJECTIVES:

- To provide policy direction and management oversight to the Environment Division's litigation programs.
- To identify opportunities and encourage initiatives designed to improve program effectiveness at any level of the Division.
- To represent and advance the Administration's environmental interests in international fora.
- To update and improve automated management information systems for case tracking, timekeeping and financial litigation management.
- To recruit and retain highly competent and motivated staff, including minority applicants.
- To provide adequate administrative services, including space and facilities, mail and messengers, copying and supplies.

To provide Automated Litigation Support to the ten highest priority cases in each Section.
To develop and maintain systems for improved fiscal planning and accountability.
To process all vouchers expeditiously so as to avoid the payment of interest.

BASE PROGRAM DESCRIPTION: The Management and Administration decision unit includes the Office of the Assistant Attorney General and the Executive Office for Administration. Thus, this program provides overall direction and management of the Environment and Natural Resources Division, and supervises and administers operations necessary to support the Division's litigation mission. Responsibilities of the latter unit include: budget preparation and execution; financial management; development, operation and maintenance of management and automated support systems; workload and resource requirements analysis; recruitment; processing of personnel actions; management of space and facilities; provision of office equipment and supplies; processing mail; and the provision of messenger, copying and printing services.

ACCOMPLISHMENTS:

The Division's front office participated actively in numerous policy and legislative initiatives such as those involving Superfund reauthorization, Indian Affairs and increased use of ADR processes. Additionally, a new position, Counselor for State and Local Environmental Affairs, was created in recognition of the significant role state and local governments play in protection of the environment and natural resources.

In addition to its normal duties, the Executive Office oversaw collection of \$382 million in civil and criminal debts; processed 767 expert witness contracts (totalling over \$24 million) and 5,277 travel authorizations; reviewed over 1,000 applications for the Honor Grad and Summer Law Clerk programs; interviewed 220 Honor Grad applicants; provided litigation support to over 130 cases and projects totalling over \$25 million; including providing trial support to such major Division cases as Marine Shale Processors v. Davis, Vetter, and Rocky Mountain Arsenal. Litigation support also played a significant role in Corcoran, Montrose Love Canal, and the Idaho Water Adjudication (Steens Lake River). Additionally, successfully converted not only the two largest field offices to MICUS II, but planned, budgeted, and scheduled the implementation of MICUS II in the remaining Washington DC locations such that the entire Division will reside on the same office automation platform for the first time since November, 1992. Most recently, the ESD's Executive Office personnel served as primary participants in the Dept-wide Justice Consolidated Office Network (JCON), the next generation office automation system scheduled for implementation in the middle of 1995; commenced a tracking system for selected cases, e.g., those involving Alternative Dispute Resolution (ADR) and litigation involving states; and completed a design document and prototype for a new attorney timekeeping system.

PROGRAM CHANGES:

	1995 Base		1995 Estimate		Increase/Decrease	
	For	NY Amount	For	NY Amount	For	NY Amount
Management & Administration	37	45 \$4,424	37	45 \$4,380	...	-\$44

For 1996, the Environment Division must absorb the anticipated pay increase. For the Management and Administration decision unit, the pay increase will cost \$44,000.

Environment and Natural Resources Division
Salaries and Expenses, General Local Activities
Financial Analysis - Program Change

Item	Appellate & Policy			Environmental Protection						Natural Resources				Management and Administration				Total.				
	Appellate		PLS	Environ. Crime		Environ. Defense		Environ. Enforce.		General Litigation		Indian Resource		Land Acquisition		Wildlife & Marine Resource		Assistant Attorney General		Executive Office		Total.
	Pos	Aut		Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	Pos	Aut	
02/05-16
08-9
08-7
Total positions and annual rate
02/05-16
08-9
08-7
Total, positions and personnel compensation
Personnel Benefits
Travel and transportation of persons
Transportation of things
Outsourcing
Outsourcing
Printing
Other services
Supplies and materials
Equipment
Equipment
Total, program salaries and salaries charges realized, 1976

Environment and Natural Resources Division
Salaries and Expenses - General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

	1994 Authorized	1995 Authorized	1996 Estimated
Attorneys (900)	221	241	236
Paralegal Specialists (950)	39	48	47
Other Legal and Kindred (900-999)	9	9	9
General Administrative and Clerical (300-399)	143	142	140
Accounting and Budget (500-599)	5	5	5
Business and Industry Group (1100-1199)	2	2	2
Total	419	487	489
Washington	389	422	414
U.S. Field	30	36	35
Total	419	457	449

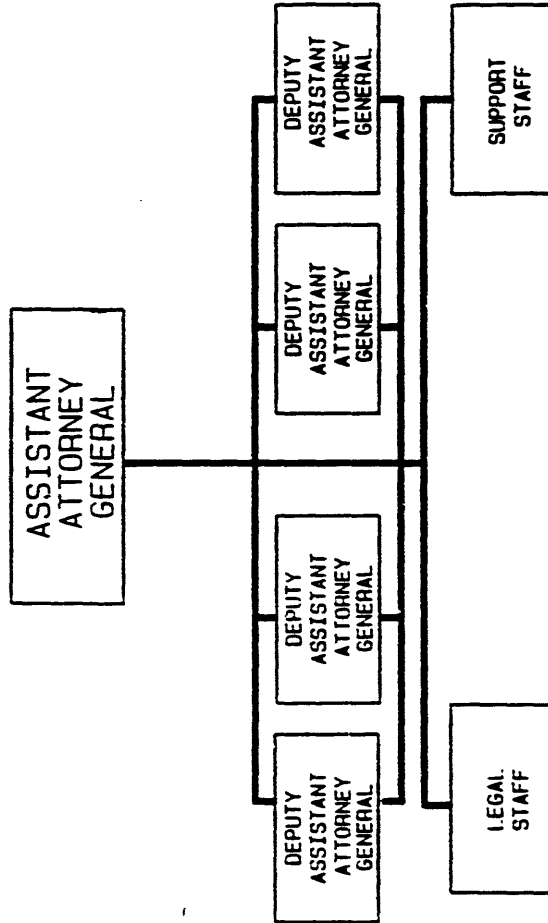
Environment and Natural Resources Division
Salaries and Expenses, General Legal Activities
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount
Grades and Salary Ranges								
Executive Level IV, \$113,700	1		1		1			
GS-02, \$101,800	4		4		4			
GS-02, \$97,400	7		7		7			
GS-01, \$92,900	5		5		5			
GS-15, \$69,427-90,232	124		124		121		-3	
GS-14, \$59,032-76,723	47		44		64		20	
GS-13, \$49,947-64,928	44		44		42		-2	
GS-12, \$42,003-54,601	33		33		33			
GS-11, \$35,045-48,561	23		23		23			
GS-10, \$31,898-41,466	1		1		1			
GS-09, \$26,954-37,651	33		44		42		-2	
GS-08, \$26,223-34,094	27		27		27			
GS-07, \$23,478-30,779	41		51		50		-1	
GS-06, \$21,308-27,696	5		5		5			
GS-05, \$19,116-24,847	17		17		17			
GS-04, \$17,086-22,308	6		6		6			
GS-03, \$15,221-19,789	219	\$70,438	457	\$23,878	449	\$23,393	-6	\$485
Total appropriated positions								
Locality pay								
1996 Pay Rates								
Pay above stated annual rates								
Lapses								
Savings due to lower net pay scales for part of year								
Net full time permanent	465	\$9,739	451	\$1,357	453	\$3,331	13	\$2,411
Other than permanent:								
Temporary employment								
Other part-time and intermittent employment								
Other personnel compensation:								
Overtime								
Special personal services payments								
Total, workyears and personnel compensation	36	\$45	38	\$80	38	\$96		\$16
	5	\$65	5	\$85	5	\$95		\$10
	416	\$0,447	464	\$3,368	472	\$4,450	13	\$2,510
Average GS salary								
Average GS salary								
Average GS Grade								

Environment and Natural Resources Division
Salaries and Wages, General Local Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual WX Amount	1995 Estimate WX Amount	1996 Estimate WX Amount	Increase/Decrease WX Amount
11.1 Full-time permanent	403	421	433	12
11.2 Other than full-time permanent	38	38	38	0
11.3 Other personnel compensation	5	5	5	0
11.4 Special services payments	400	400	400	0
Total	20,647	22,262	24,772	2,510
Reimbursable workyears:				
Full-time permanent	224	242	242	0
Other than permanent	670	706	718	12
Other objects:				
12 Benefits	5,950	5,950	6,044	94
13 Unemployment	53	53	53	0
21 Travel	3,001	3,001	3,101	100
22 Transportation of things	638	638	638	0
23.1 GSA Rent	5,634	5,634	6,173	539
23.2 Other Rent	110	110	110	0
23.3 Communications utilities and misc charges	1,218	1,218	1,232	14
24 Printing	537	537	537	0
25 Services	14,424	17,815	17,305	(510)
26 Supplies	645	645	645	0
31 Equipment	507	507	507	0
Total obligations	53,364	58,070	61,117	3,047

OFFICE OF LEGAL COUNSEL



Approved: *[Signature]* Date: *1/15/19*
JANET 1920
Attorney General

Office of Legal Counsel
Salaries and Expenses
Crosswalk of 1995 Changes

(Dollars in Thousands)

Activity/Program	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Reprogramming		1995 Appropriation Anticipated		
	Pos.	WY Amount*	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	
Legal Opinions	37	41	\$3,967	37	41	\$3,917

Reprogramming. This is a one-time reprogramming to the Criminal Division and IPOL to fund an anticipated shortfall in GSA Rent funding. This transaction has been approved by OMB and the Congress.

* Includes reductions for GSA Rent and procurement.

Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Summary of Requirements
(Dollars in Thousands)

Adjustments to Base:		Perm.	Work-	Amount
		Pos.	Years	
1995 as enacted	.....	37	41	\$1,967
Reprogramming (one-time)	.....	u	u	50
1995 appropriation anticipated	.....	37	41	3,917
Restoration of one-time reprogramming	.....	u	u	50
Mandatory Increases:				
One Additional Compensable Day	.....	u	u	11
1996 Pay Raise	.....	u	u	57
Annualization of 1995 Pay Raise	.....	u	u	64
Within-grade Increases	.....	u	u	22
Health Benefits	.....	u	u	4
\$80 Supplemental retirement contributions	.....	u	u	3
Unemployment Compensation	.....	u	u	14
General Services Administration (GSA) Rent	.....	u	u	24
General Pricing Level Adjustments	.....	u	u	9
Total Mandatory Increases	.....	u	u	208
Decreases: Federal Employees Retirement System	.....	u	u	31
1996 base	.....	37	41	\$4,144
Program Changes (See Narrative Details)	.....	u	u	57
1996 Estimate	.....	37	41	\$4,087
Estimates by Program				
		1996 Estimate	1996 Estimate	Increase/Decrease
		Perm.	Perm.	Perm.
		Est.	Est.	Est.
6 Legal Opinions	37 42 \$1,921	37 41 \$1,917	37 41 \$1,914	37 41 \$1,907
				... \$57

Office of Legal Counsel
Justification of Program Performance
Salaries and Expenses

LONG RANGE GOAL:

To assist the Attorney General in the role as legal adviser to the Executive Branch, and to provide timely, thorough and reliable legal advice in response to requests from the President, the White House staff through the Counsel to the President, the Attorney General, Justice Department components and Executive Branch agencies.

MAJOR OBJECTIVES:

To provide general legal advice to the President and Executive Branch agencies.

To resolve intra-Executive Branch disputes over legal questions.

To advise other components of the Department of Justice where litigation or proposed legislation raises constitutional issues or issues of general concern to the Executive Branch.

To testify and prepare testimony in connection with pending legislation of interest to the Department and the Administration, and to assist in the drafting of legislation.

To approve the form and legality of Executive Orders and Orders of the Attorney General.

BASE PROGRAM DESCRIPTION:

The authority for the Office of Legal Counsel (OLC) is provided in 28 C.F.R. 0.25. The principal duty of OLC is to assist the Attorney General in the role as legal adviser to the President and Executive Branch agencies and as arbiter of legal disputes within the Executive Branch. OLC also provides general legal assistance to other components of the Department, especially where litigation or proposed legislation raises constitutional issues or general issues of executive authority. It reviews for form and legality all Executive Orders and Proclamations proposed by the President, as well as all proposed

Orders of the Attorney General and all regulations requiring Attorney General approval. In addition, OLC is also involved in coordinating the work of the Department regarding treaties, executive agreements and international organizations, and performs a variety of special assignments referred to the Office by the Attorney General, the Deputy Attorney General or the Associate Attorney General. The Office also has responsibility for advising the Office of Government Ethics on matters of law in the area of conflict of interest.

At the direction of the Attorney General and the Deputy Attorney General, OLC has convened meetings of General Counsels' consisting of the general counsels of the principal Executive Branch components and chaired by OLC. This group has been and will be utilized to improve coordination and consistency in handling important legal issues of concern through the Executive Branch, particularly legal matters bearing upon the President's constitutional responsibilities and authority.

Currently, it is a rare occasion that requests are considered appropriate for formal Attorney General opinions, which are drafted in OLC and reviewed, revised and approved by the Attorney General. Instead, requests result in the preparation of legal opinions signed by the Assistant Attorney General or one of the Deputies based upon the research of one or more of the Office's staff attorneys. Other requests result in the provision of oral advice to the client agency. Since 1977, at the direction of the Attorney General, this Office has published selected formal opinions. Volumes covering the years 1977 through 1987 have been issued. Softbound volumes covering the years 1988 through 1992 have been issued as preliminary prints. Production of hardbound editions for these years is pending. OLC is presently instituting a publication project for the years 1993 et seq. which will increase dissemination of opinions.

OLC's role in the Department's legislative program has increased dramatically in recent years, and includes drafting legislative opinions, testimony, and preparation of Presidential signing statements. OLC has taken a major role in either testifying or preparing testimony in connection with pending legislation of interest to the Department and the Administration, and has assisted in the drafting of legislation.

In addition, because of its expertise in certain areas, OLC has assumed an on-going advisory role to other Department components, including to the Solicitor General and the litigating divisions on issues relating to separation of powers, executive privilege, national security matters, federalism, and immigration matters.

OLC generally does not initiate any programs nor does it have control over the volume of its work. The work results from requests for opinions and legal advice from the President, the White House staff through the Counsel to the President, the Attorney General, members of the Cabinet and heads of Executive Branch agencies and other Department of Justice officials.

ACCOMPLISHMENTS AND WORKLOAD:

Items	1993	1994	Estimates	
			1992	1996
Executive Orders and Proclamations	90	93	95	98
Opinions	733	751	765	770
Intradepartmental Opinions	875	2,677	2,700	2,800
Special Assignments	4,590	2,315	2,500	2,600

EXPLANATION:

The "Opinions" category is an estimate of advice given to the White House, OMB and other Executive Departments and agencies. It includes both written and oral advice as well as responses to requests for information.

The "Intradepartmental Opinions" category is an estimate of informal advice, formal opinions, and bill comments given to the Office of the Attorney General as well as other Departmental Units.

The "Executive Orders, Proclamations" category includes Orders reviewed by OLC for formal and legality, often on an expedited basis.

The "Special Assignment" category is an estimate of a number of different matters which consist of administrative matters, including responses to oral requests for information and referral, and citizen inquiries as well as review of Freedom of Information Act and Privacy Act requests.

Program Changes:

	<u>1996 Base</u>		<u>1996 Estimate</u>		<u>Increase/</u>	
	Perm.	Pos. WY Amount	Perm.	Pos. WY Amount	Perm.	Pos. WY Amount
Legal Opinions.....	37	41 \$4,144	37	41 \$4,087	...	...

- \$57

A program decrease of \$57,000 is required to absorb the cost of the 1996 unfunded pay raise. The reduction will be achieved by eliminating several of our parking spaces, cut backs in equipment, supplies and material and a conscious effort to monitor usage of Lexis/Nexis automated legal research services.

Office of Legal Counsel
 Salaries and Expenses, General and Special Activities
 Criminal Justice Program
 (Dollars in Thousands)

Grades	1996 Pay Range		
	Pos	WY	Amount
Total positions and annual rate			...
Reduction in lapse			...
Other personal compensation			...
Administratively determined salaries			...
Total workyears and personnel compensation			...
Personnel benefits			...
Travel and transportation			...
OSA rent			(4)
Other rent			...
Comm. utilities, other charges			...
Printing			(3)
Other services			(20)
Supplies and materials			(10)
Equipment			(2)
Total program workyears and obligations charges requested, 1996			(3)

Office of Legal Counsel
Salaries and Expenses
Summary of Requirements by Object and Object Class
(Dollars in Thousands)

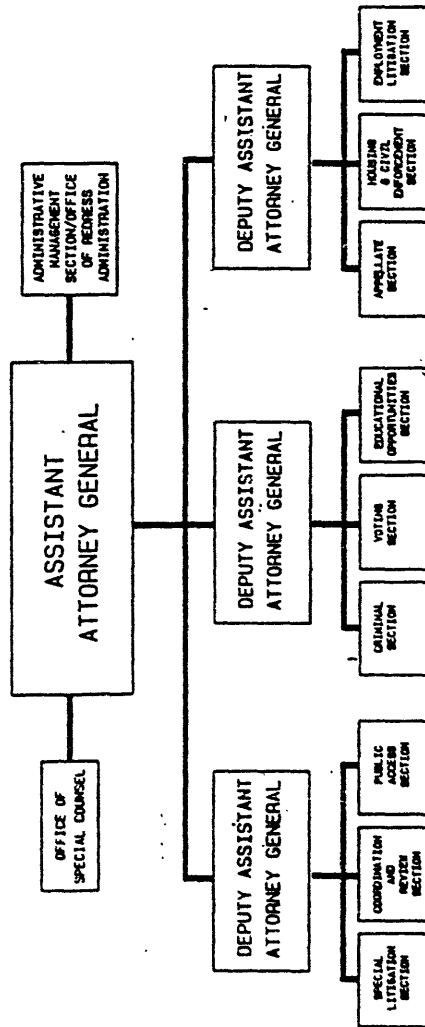
Object Class	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Workyears	Amounts	Workyears	Amounts	Workyears	Amounts	Workyears	Amounts
11.1 Full time permanent	31	\$1,859	36	\$2,194	37	\$2,321		\$ 127
11.3 Other than full time permanent	5	295	5	228	4	250		22
11.5 Other personnel compensation		85		23		40		17
11.8 Special personnel services payments		0		0		0		0
Total, workyears and personnel compensation	36	2,229	41	2,445	41	2,611		166
12 Personnel benefits		481		482		490		8
13 Benefits former personnel		1		1		1		0
21 Travel and transportation of persons		14		14		10		4
22 Transportation of things		7		4		4		0
23.1 GSA Rent		522		468		456		12
23.2 Rental payments to others		0		0		0		0
23.3 Communications, utilities and miscellaneous charges		78		80		85		5
24 Printing and reproduction		1		30		10		20
25 Other services		246		331		640		27
26 Supplies and materials		52		50		50		0
31 Equipment		50		10		10		0
Total obligations		\$ 1,681		\$ 1,917*		\$ 4,087		\$ 170

* The 1995 estimate of obligations differs from that shown in the President's Budget Appendix due to erroneous calculation of carryover

Office of Legal Counsel
Salaries and Expenses, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Request	1996	
			Decreases	Total
Attorneys (905)	22	22	0	22
Paralegal Specialist (950)	4	4	0	4
Secretaries	8	8	0	8
General Administrative, clerical & office svcs. (180-199)	3	3	0	3
Total	37	37	0	37
Washington	37	37	0	37
Total	37	37	0	37

CIVIL RIGHTS DIVISION



Approved: *Janet Reng* Date: 2/9/94
 JANET RENG
 Attorney General

Civil Rights Division
Salaries and expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 Revised President's Budget Request		Congressional Appropriation Actions on 1995 Request		Workyear Adjustments Associated with 1995 Buyouts		Reprogramming		1995 Availability	
	Pos.	MT.	Pos.	MT.	Pos.	MT.	Pos.	MT.	Pos.	MT.
7. Civil Rights										
Federal appellate.....	27	24	22,698	...	...	...	...	...	-5	27
Civil rights prosecution.....	51	49	4,732	-4	-2	-368	...	...	-8	47
Special litigation.....	34	31	3,373	...	...	...	...	...	-4	34
Voting.....	90	90	8,297	-8	-4	-820	...	...	-11	82
Employment litigation.....	66	65	5,910	-1	-1	-132	...	...	-11	65
Coordination and review.....	33	32	3,314	...	...	...	...	...	-7	33
Housing and civil enforcement..	101	98	10,102	-1	-1	-132	...	...	-16	100
Educational opportunities.....	30	31	2,591	...	...	...	...	...	-5	30
Public access.....	65	58	13,244	-22	-12	-4,541	...	...	-5	43
Office of special counsel.....	56	45	9,210	-25	-13	-3,800	...	...	-10	31
Management and Administration.....	73	87	8,424	...	...	...	...	...	-16	72
Total.....	626	610	71,695	-61	-33	-9,193	...	...	-100	565
									572	62,602

1995 Revised President's Budget Request: Includes reductions for OSA rent and procurement.

Congressional Appropriation Action on 1995 Request: This column reflects increases requested by the organization but not approved by Congress.

Reprogramming: This transfer is a one-time reprogramming to the Criminal Division and IPOL to fund an anticipated shortfall in OSA Rent funding. This transaction has been approved by OMB and the Congress.

Civil Rights Division
Salary and expenses, General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Pers.	Work- Pos.	years	Amount
1995 as Enacted.....				
Reprogramming (one-time).....	563	577		662,782
Workyear reduction adjustment associated with 1995 buyouts.....	...	...	(5)	(100)
1995 Availability.....	563	572		62,682
Restoration of one-time reprogramming.....	...	...	5	...
Restoration of workyears from 1995 buyouts.....	...	...		100
Adjustments to Base:				
Streamlining.....	10	10		(307)
Leadership increases.....	...	...		3,124
Decreases, automatic, non-policy.....	...	...		(213)
1995 base.....	557	569		65,384

	1994 Enacted			1994 Actual			1995 Availability			1995 Base			1996 Estimate			Increase/Decrease		
	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount
Estimates by Program.....																		
7. Civil rights matters:	561	563	59,956	561	560	59,851	563	572	62,682	557	569	65,384	557	569	65,384			
Reimbursable Workyears.....	6			6			6			6			6					
Total Workyears.....	571			574			578			575			575					
Other workyears:																		
Overtime.....	4			4			4			4			4					
Total compensable workyears..	575			578			582			579			579					

**Civil Rights Division
Salaries and expenses
Summary of Changes
(Dollars in thousands)**

	Perm. Ftd.	Work- years	Amount
1995 availability.....	565	577	\$62,602
Restoration of one-time reprogramming.....	...	..	100
Workyear reductions associated with 1995 buyouts.....	...	-5	...
Adjustments to base:			
Stimulating.....	-6	-8	-307
Restoration of workyears from 1995 buyouts.....	...	5	...
Mandatory increases:			
1995 additional compensable day.....	...	...	229
1996 pay raise.....	...	...	787
Annulization and increase of 1995 pay raise.....	...	...	832
Within-grade increases.....	...	...	634
Health benefits.....	...	...	66
\$80 supplemental retirement contributions.....	...	...	45
Accident compensation.....	...	...	21
Unemployment compensation.....	...	...	20
General Services Administration (GSA) rent.....	...	...	333
Postal rate increase.....	...	...	32
General pricing level adjustment.....	...	...	123
Total, mandatory increases.....	...	...	3,124
Mandatory decreases:			
Federal Employee Retirement Savings (FERS).....	...	...	-194
Procurement savings.....	...	...	-21
Total, mandatory decreases.....	...	...	-215
1996 Base.....	587	569	65,304

Civil Rights Division
Salaries and expenses, General Legal Activities
Summary of Resources
(Dollars in thousands)

	1994 As Enacted			1994 Actual			1995 Available			1996 Base			1996 Estimate			Increase/ Decrease	
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Estimates by Program																	
Civil rights matters:																	
Federal appellate.....	27	25	\$2,619	27	25	\$2,614	27	24	\$2,693	27	24	\$2,857	27	24	\$2,857	...	...
Civil rights prosecution.....	48	48	4,376	48	49	4,368	47	47	4,356	47	47	4,606	47	47	4,606	...	...
Special litigation.....	35	32	3,417	35	32	3,411	34	31	3,367	34	31	3,554	34	31	3,554	...	...
Voting.....	83	87	7,711	83	88	7,697	82	86	7,766	82	86	8,110	82	86	8,110	...	...
Employment litigation.....	66	65	5,759	66	65	5,749	65	64	5,767	65	64	6,090	65	64	6,090	...	...
Coordination and review.....	33	32	3,221	33	32	3,215	33	31	3,307	33	32	3,505	33	32	3,505	...	...
Housing and civil enforcement.....	101	89	9,283	101	89	9,278	100	96	9,954	98	95	10,342	98	95	10,342	...	...
Educational opportunities.....	31	32	2,656	31	32	2,641	30	31	2,586	30	31	2,741	30	31	2,741	...	...
Public access.....	44	47	8,679	44	48	8,672	43	46	8,598	43	46	8,974	43	46	8,974	...	...
Office of special counsel.....	35	36	4,389	31	34	4,202	31	32	5,700	29	30	5,863	29	30	5,863	...	...
Management and Administration.....	58	72	7,846	52	74	8,004	73	84	8,408	52	52	8,552	52	52	8,552	...	...
Total.....	561	565	59,956	561	568	59,851	565	572	62,602	557	569	65,304	557	569	65,304	...	...
Reimbursable Workyears.....	6			6			6			6			6			...	...
Total Workyears.....	571			574			578			575			575			...	...
Other Workyears:																	
Overtime.....	4			4			4			4			4			...	...
Total compensable workyears.....	575			578			582			579			579			...	...

1994 Levels include transfer of 18 positions for Housing and Civil Enforcement testing initiative.

Civil Rights Division
Salaries and expenses, General Legal Activities
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Civil Rights	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	NI Amount	Pos.	NI Amount	Pos.	NI Amount	Pos.	NI Amount
Federal appellate.....	27	24 \$2,693	27	24 \$2,657	27	24 \$2,657	...	...
Civil rights prosecution.....	47	47 4,356	47	47 4,606	47	47 4,606	...	...
Special litigation.....	34	31 3,367	34	31 3,554	34	31 3,554	...	...
Voting.....	82	86 7,766	82	86 8,110	82	86 8,110	...	...
Employment litigation.....	65	64 5,767	65	64 6,090	65	64 6,090	...	...
Coordination and review.....	33	31 3,207	33	32 3,505	33	32 3,505	...	...
Housing and civil enforcement.....	100	96 9,954	98	95 10,342	98	95 10,342	...	...
Educational opportunities.....	30	31 2,586	30	31 2,741	30	31 2,741	...	...
Public access.....	43	46 8,698	43	46 8,974	43	46 8,974	...	...
Office of special counsel.....	31	32 5,700	29	30 5,863	29	30 5,863	...	...
Management								
and Administration.....	73	84 8,408	52	53 5,662	52	53 5,662	...	...
Total.....	565	572 62,602	557	569 65,304	557	569 65,304	...	...

This budget activity provides resources for the primary institution within the federal government responsible for enforcing federal statutes prohibiting discrimination. Funding will enable the Civil Rights Division to meet workload demands, continue the aggressive pursuit of investigations and, where warranted, the filing of cases to ensure the protection of individual rights.

The original 1996 Passback from the OMB included an additional \$1,400,000 to fund an employment testing initiative. After further negotiations, the OMB approved the use of these resources to fund certain reductions in the Civil Rights Division's base funding level.

Civil Rights Division
Salaries and expenses, General Legal Activities
Justification of Program and Performance
(Dollars in thousands)

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount
	Pos.			Pos.			Pos.			Pos.		
Federal appellate activity.....	27	24	\$2,693	27	24	\$2,857	27	24	\$2,857	...	...	...

LONG-RANGE GOAL: To reduce the incidence of unlawful denials of civil and constitutional rights.

MAJOR OBJECTIVES:

To file on a selective basis, appellate level cases initiated by the government and serve as a friend of the court in appellate cases which have a substantial impact on federal civil rights enforcement.

To handle all appropriate appellate level litigation in the civil rights area rather than to have such cases handled by enforcement programs.

To provide legal counsel to government departments and agencies on civil rights issues, and legal counsel and research assistance, with respect to pending litigation, to other Division and Department programs.

To provide substantive support for the Division's legislative initiatives and to comment on the legislative proposals of others.

BASE PROGRAM DESCRIPTION: This Program has primary responsibility for handling the Division's work before the U.S. Supreme Court and courts of appeals, for giving legal advice to federal agencies and other organizations within the Department, and for preparing the Division's legislative initiatives and comments on other legislative proposals. Most of the Program's appeals are from district court judgments in cases originally handled by Civil Rights Division litigating components.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Federal Appellate Program are presented below:

	1993	1994	1995	Estimate
			1995	1996
Briefs Filed.....	76	83	90	90
Solicitor General Recommendations.....	39	33	35	35
Decision Not to Participate or Appeal.....	15	16	20	20
Legal Counsel and Research Assistance Provided.....	55	116	90	90
Legislative Comment and Testimony.....	261	413	400	400

Legal Counsel and Research Assistance represents written and formal comments to other divisions, agencies or the Office of the Solicitor General concerning cases handled by others, as well as other legal and policy memoranda (not connected with a Division case) prepared at the request of the Assistant Attorney General. The significant increase experienced in 1994 is attributable to increased requests for counsel by the Office of the Assistant Attorney General and the trial sections. The increased rate of the trial section's requests is associated with increased efforts to maintain close working relationships between appellate and trial staffs throughout the course of litigation.

Projections for 1995 and 1996 are based on production in previous years, as well as the level of activity in the trial sections. It should be noted, however, that the work of this unit is not only closely correlated to the number of cases brought by the trial sections, but also high profile cases (in which we are not a party) affecting significant civil rights issues.

From October 1, 1993 through September 30, 1994, the Division filed 20 papers in the Supreme Court and 63 papers in the courts of appeals. Eighty-one percent of all merits decisions were in full or partial accord with the Division's contentions. In *WEEKS v. ILL.*, in a 6-3 decision, for example, the Supreme Court held that the Fourteenth Amendment prohibits gender-based presumptions. Challenges in jury selection. Extending the rule of *BALLON V. KENTUCKY*, the Court concluded that gender, like race, is an unconstitutional proxy for juror competence and impartiality. The decision adopted the position argued by the United States, as amicus curiae. In *MARCIA V. FORKLIFT SYSTEMS, INC.*, the Court decided that constitutes an adequate showing of hostile environment sexual harassment under Title VII. The Sixth Circuit affirmed the district court's dismissal of the plaintiff's complaint because the offensive comments were found not to be so severe as to seriously affect plaintiff's psychological well-being. In a unanimous decision, the Supreme Court reversed the court of appeals decision, holding that abusive work environment sexual harassment may be actionable even if it does not seriously affect the plaintiff's psychological well-being.

The Program had particular success in the courts of appeals. In *United States v. City of Edmonds*, for example, the Ninth Circuit held that the Program's nondiscrimination rules that limit the number of unrelated persons (in this case, individuals with disabilities) who may live together in certain neighborhoods are not exempt from coverage under the Fair Housing Act, 42 U.S.C. 3607(b)(1), as a "restriction[]" regarding the maximum number of occupants permitted to occupy a dwelling." The Tenth Circuit in *AdamsKantKosloski, Inc. v. Penn.* affirmed the district court's ruling upholding the constitutionality of the Department of Transportation's use of race-conscious criteria in a subcontracting compensation clause (SBC) under Section 502 of the Small Business Act. The court of appeals rejected appellant's assertion that in order to justify use of a race-conscious-based program the federal government was required to make independent findings of discrimination, and held that the constitutional test for analyzing the federal DBE program is set forth in *Fullilove v. Klutznick*. The court also upheld DOT's percentage goals for utilization of DBEs, stating that under section 502 Congress allowed agencies the flexibility to provide the "maximum practicable opportunity" for DBEs to participate in federal procurement, and that the SOC further satisfied *Fullilove* because it was narrowly tailored to achieve the significant governmental objective of providing subcontracting opportunities for DBEs.

	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Per.	FX	Amount	Per.	FX	Amount	Per.	FX	Amount	Per.	FX	Amount
	FOR.			FOR.			FOR.			FOR.		
Civil rights prosecution.....	47	47	\$4,356	47	47	\$4,606	47	47	\$4,606	...	...	...

LONG-RANGE GOAL: To significantly reduce police and other official criminal misconduct and to eliminate or substantially reduce violent activity by private citizens (including organized hate groups) against others because of their race, religion, national origin, or sex, which interferes with the federal and Constitutional rights of individuals.

MAJOR OBJECTIVES:

To ensure the timely investigation of criminal civil rights complaints.

To review expeditiously the investigative reports of potential criminal civil rights violations and to identify those with federal prosecutive merit.

To present potentially meritorious incidents to grand juries for investigation and, where warranted, for indictment and subsequent trial.

To decline prosecution on those incidents that do not warrant federal prosecution.

To ensure a uniform and effective application of the federal criminal civil rights statutes nationwide by reviewing and authorizing criminal civil rights prosecutions proposed by the U.S. Attorneys.

BASE PROGRAM DESCRIPTION: This Program enforces federal statutes designed to preserve personal liberties. Two of these laws, passed during Reconstruction and amended in 1968, prohibit persons from acting under color of law, or in conspiracy with others, to interfere with an individual's federally protected rights. Other statutes prohibit the holding of individuals in peonage or involuntary servitude. The Program is also responsible for the enforcement of the provisions of the Civil Rights Act of 1968 which prohibit the use of force or threats of force to injure or intimidate any person involved in the exercise of certain federal rights and activities. Another law also proscribes interference with persons in the exercise of their religious beliefs and the destruction of religious property where there is an interstate commerce connection. The Program also enforces the recently enacted "FACE" (Freedom of Access to Clinic Entrances) statute that prohibits conduct intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Civil Rights Prosecution Program are presented below:

	1991	1994	Estimates
	1995		
Complaints Received.....	9,320	8,342	8,342
Complaints Reviewed.....	10,206	8,575	8,575
Matters Investigated.....	3,026	2,633	3,000
Matters Terminated.....	3,026	2,686	2,686
New Matters to Grand Jury.....	51	64	64
Cases Filed.....	59	76	76

Complaints received and matters investigated are not within the control of the Program. Figures for 1995 and 1996 are based on a projection of 1994 activity level. Data contained in this table was compiled from the monthly activity reports derived from the computerized docket system used to track all complaints and investigations, as well as the Program's status notebook that follows grand juries and cases. The above measures of performance were selected because they reflect the workflow of the Program as it considers (1) all complaints received directly from citizens and the FBI, (2) those "matters" that eventually result in investigation by the FBI, and (3) those matters that ultimately result in grand jury presentation and indictment.

Several thousand complaints alleging civil rights violations are reviewed annually, of which about one-third are investigated by the FBI.

In 1994, the Program, in conjunction with the United States Attorneys, presented 64 matters to grand jury and filed a record-breaking 76 cases charging 139 defendants, including 46 law enforcement officers. In addition, the Program charged a record number of defendants in racial violence cases, and achieved a 100% success rate on all racial violence prosecutions. Of our record-breaking 76 cases, 23 went to trial, some involving multiple defendants, resulting in 22 convictions and 11 acquittals. Guilty pleas from 79 defendants, coupled with the trial convictions, resulted in an overall Program success rate of 90.2%.

Police and other official misconduct, which constitute the majority of the complaints reviewed by the Program, continued to receive substantial attention. Law enforcement officials were defendants in nearly half the cases filed in 1994. In Texas, a police officer was sentenced to 15 years in prison and fined \$1,000 after being convicted of coercing five women into engaging in sexual acts with him and with physically assaulting one of the women.

Eleven correctional officers at a Mississippi state penitentiary were charged in the beating of an escaped inmate when he was recaptured and handcuffed. The inmate was kicked a dozen times, thrown into the back of a pick-up truck and hit several times in the head, face and shoulder

with guns. He suffered several lacerations and a severed artery. Six of the defendants pled guilty. The October 1994 trial for the remaining five defendants resulted in two convictions and three acquittals.

In an ongoing investigation conducted by the U.S. Attorney's Office, eight New York City police officers pled guilty to conspiracy and drug violations stemming from a police corruption investigation that uncovered a series of illegal activities including the use of excessive force, unlawful searches and the theft of money and/or drugs from various individuals and apartments. The officers allegedly received money from drug dealers for not interfering with their drug dealing.

Incidents of racial violence, the reporting of which has increased substantially in the past several years, continue to receive priority, especially when hate groups are involved. In Indiana, four Ku Klux Klan members were indicted for conspiring to interfere with the housing rights of a black couple and their young child who were assaulted in their apartment. The indictment was issued after two other individuals, who were also involved in the acts of terrorism, pled guilty and cooperated with prosecutors. The defendants yelled racial slurs and threats, broke windows, struck one of the victims with a stick and fired a gun at the victim's front door. Ultimately, three of the four indicted defendants pled guilty and one was convicted at trial. These four indicted Klan members received substantial prison sentences ranging from 90 to 264 months.

Three white-supremacist skinheads pled guilty to conspiracy in the firebombing of a NAACP office and gay bar in Washington state. Two of them also pled guilty to several explosives and firearms violations stemming from the firebombings. One skinhead was sentenced to 11 years and eight months in custody, while the other two each received 57 and 78 months, respectively, in prison.

In Nebraska, two defendants were convicted on Hobbs Act charges stemming from a conspiracy to interfere with the rights of two Native Americans from the Rosebud reservation. After offering a ride to the victims, the defendants allegedly drove to a remote location where the victims were robbed, punched, and kicked, resulting in broken ribs and other injuries. After conviction, the judge granted the defendants' post-trial motion for judgment of acquittal; the Division is appealing that decision.

In recent years there has been a substantial decrease in the reported number of involuntary servitude and peonage allegations. However, pleas were obtained in a North Carolina case where two homeless men in Atlanta had been recruited, along with other homeless men, to work in migrant farm camps in the Carolinas. On different occasions, the men were threatened by the defendants at gunpoint against leaving the camps. Over the course of weeks, the men received physical threats, were told they owed money, and could not leave the camps. Two of the three defendants received prison sentences and fines, while the third one was sentenced to home detention and community service.

Sharing joint enforcement authority with the Criminal Division, the Program is also vigorously pursuing violations under the recently enacted Freedom of Access to Clinic Entrances Act (FACETS), having already charged 13 defendants in three cases. In October 1994, the Program, in conjunction with the U.S. Attorney in Pensacola, Florida, obtained its first conviction under the new Act against defendant Paul Hill for the brutal execution of a physician and his escort, and the attempted execution of the escort's wife in front of a reproductive health services clinic. Ordered to pay the victims' funeral and medical expenses, Hill was sentenced to life without parole plus five years.

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	1975 Availability			1976 Base			1976 Estimate			Increase/Decrease	
	Perm. FOR.	NY	AMOUNT	Perm. FOR.	NY	AMOUNT	Perm. FOR.	NY	AMOUNT	Perm. FOR.	NY
Special litigation.....	34	31	\$3,367	34	31	\$3,554	34	31	\$3,554	...	...

LONG-RANGE GOAL: To protect constitutional and statutory rights of institutionalized persons, mentally and physically handicapped persons of all ages, and the constitutional rights of persons confined in state and local prisons and jails, and enforce federal laws prohibiting racial discrimination in all public institutions, such as prisons and jails.

To seek equitable relief and damages, where appropriate, for persons seeking or offering reproductive health services where access is denied.

To seek equitable and declaratory relief to redress a pattern or practice of conduct by law enforcement officers that deprives persons of their rights protected by the Constitution.

MAJOR OBJECTIVES:

- To investigate, upon reasonable cause, the conditions of confinement and treatment provided to persons in certain statutorily defined publicly operated institutions.
- To obtain voluntary remediation of constitutional deficiencies or other violations of federal law; and, where voluntary remediation cannot be obtained, to initiate litigation.
- To initiate and/or participate in litigation designed to eliminate racial discrimination from public institutions; establish constitutional conditions of confinement, care and treatment of institutionalized populations; and, to eliminate discrimination against handicapped persons.
- To ensure compliance with existing judgments or consent decrees governing conditions of confinement at public institutions.
- To investigate alleged denials of access to clinics offering reproductive health services; to initiate or intervene in litigation seeking injunctive relief and, where appropriate, seek fines and penalties concerning the denial of access.
- To investigate and, where appropriate, initiate litigation to redress conduct by law enforcement officials which violates the constitutional rights of those under their control. This authority, included police brutality actions in jails, prisons, juvenile and other publicly operated facilities and police departments nationwide.

BASE PROGRAM DESCRIPTION: This Program is authorized to file suit to protect the rights of persons confined in certain state and local institutions and to enforce provisions of law which prohibit discrimination in public facilities on the basis of race, religion, and national origin. In particular, the Civil Rights of Institutionalized Persons Act (CRIPA) of 1980 authorizes the Attorney General to investigate conditions of confinement at certain state and local institutions and, where there is reasonable cause to believe persons confined at such facilities are being deprived of their constitutional or federal statutory rights, to initiate civil suits to ensure the protection and full enjoyment of those rights. The Act covers jails, prisons, pretrial detention centers, and juvenile facilities as well as institutions for the mentally ill, developmentally disabled, and chronically ill.

The Program is authorized to investigate and, where necessary, initiate litigation to obtain relief, fines and possibly damages when access is denied to clinics offering reproductive health services. The authority is exercised pursuant to the Freedom of Access to Clinic Entrances Act (FACIE) of 1994.

The Program is authorized to investigate and, where necessary, initiate litigation when the constitutional rights of persons in the custody of law enforcement officials are violated. This authority is exercised pursuant to Section 210401 of the Violent Crime Control and Law Enforcement Act of 1994.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Special Litigation Program are presented in the following table:

	1993	1994	Estimates 1994 1995
CRIPA			
Matters Received.....	2,800	2,684	2,800 3,000
Matters Evaluated for Investigation.....	198	98	65 70
Major Institutional Investigations Initiated.....	19	19	4 4
Major Institutional Investigations Closed.....	1	2	15 10
Major Institutional Investigations Pending (end of year).....	57	57	46 40
Cases Initiated.....	2	3	2 2
Cases Closed.....	3	2	3 3
Cases Pending (end of year).....	33	34	33 32
Institutional tours conducted (cases and investigation).....	99	68	60 58
Freedom of Access to Clinic Entrances Act			
Matters/Cases.....	...	...	200 200
Matters Evaluated for Investigation.....	...	...	60 80
Major Institutional Investigations Pending (end of year).....	...	...	30 40
Cases Initiated.....	...	...	12 16
Cases Closed.....	...	...	...
Expert Evaluations for Damages.....	...	...	12 16
Demonstration Observances.....	...	...	10 10
Violent Crime Control and Law Enforcement Act of 1994			
Matters Received.....	...	...	100 122
Matters Evaluated.....	...	...	90 90
Investigations Initiated.....	...	...	10 10
Major Investigations Closed.....	...	...	3 2
Cases Initiated.....	...	...	2 3
Cases Closed.....	...	...	0 0

The Program is actively pursuing investigations of 8 mental health institutions, 11 mental retardation institutions, 37 jails and 7 prison systems. These investigations are designed to vindicate the rights of more than 150,000 persons. In response to widespread allegations of grossly inadequate conditions in Mississippi jails, the program initiated some 18 investigations of various city and county jails; consent decrees have been prepared in almost half of these matters. Similarly, the program has initiated investigations into conditions of confinement in eleven Georgia jails. The unit is preparing for trial as amicus curiae in Wyatt v. Hanan, the landmark right to treatment suit

involving 37,000 plaintiffs who reside in the care of Alabama state officials. The Program continues to monitor compliance with outstanding consent decrees in cases involving 39 facilities. The Program enforcement of the Freedom of Access to Clinic Entrances Act includes three civil cases in Milwaukee, Wisconsin; Cleveland, Ohio; and Kansas City, Missouri, which seek to protect access rights to reproductive health services.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX
Voting.....	82	86	\$7,766	82	86	\$8,110	82	86	\$8,110	...	...

LONG-RANGE GOAL: To prevent and eliminate systemic barriers to the full participation in the electoral process by racial and language minorities, overseas citizens, and voters who are blind, handicapped, disabled, or illiterate and to achieve effective remedies for those citizens where their right to vote has been denied or abridged.

MAJOR OBJECTIVES:

To discover and remedy methods of conducting elections that dilute the voting strength of racial and language minorities, and actions of state and local election and voter registration administrators that prevent a full and fair exercise of the franchise by racial and language minorities, and overseas citizens.

To prevent, through the Section 5 preclearance program, the implementation of new standards, practices and procedures that have the purpose or effect of denying or abridging racial and language minorities' right to vote throughout the 51 counties specially covered by the Voting Rights Act (VRA).

To defend lawsuits that are brought against the United States under the special provisions of the VRA to preclear voting changes and to terminate coverage, and initiate lawsuits against jurisdictions that violate the preclearance requirements of Section 5.

To assure that all eligible citizens are able to register to vote, through the prompt and full enforcement of the National Voter Registration Act of 1993.

To assure the assignment of federal observers to polling places within the specially covered counties where needed to document discriminatory actions in the electoral process.

BASE PROGRAM DESCRIPTION: This Program enforces laws designed to safeguard the right to vote of racial and language minorities and members of other specially affected groups and designed to remove barriers to voter registration. In enforcing the Voting Rights Act, the Program brings lawsuits against states and local jurisdictions to challenge unfair election systems; under Section 5 of the Act, administratively reviews voting changes, including such highly sensitive matters as redistricting plans, to determine whether they are discriminatory in purpose or effect; and monitors election day activities through the assignment and oversight of federal observers.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Voting program are presented below:

	1991	1994	Estimates 1995 1996
Cases Filed.....	15	27	37
Active Cases.....	30	49	83
Section 5 Submissions Handled.....	4,411	4,834	5,800
Section 5 Changes Handled.....	16,721	20,424	25,520
Matters Handled.....	160	250	250

During 1994, over twice as many lawsuits were initiated as in the preceding year. The Program defended the Congressional redistricting plans of Florida, Georgia, Louisiana, North Carolina, and Texas from challenges, inspired by the Supreme Court's 1993 decision in *Shaw v. Reno*, that they constitute unconstitutional "racial gerrymandering." Nineteen of the total 27 new lawsuits attacked electoral systems and redistricting plans that deny to minorities an opportunity to fairly elect candidates of their choice.

To assure that language minority citizens are able fully to participate in the electoral process, the Program in 1994 sued Cibola and Socorro Counties, New Mexico, and obtained consent decrees imposing detailed minority language election information programs to enable American Indians to become full electoral participants. Similarly effective relief through expanded consent decrees in older lawsuits against Apache and Maricopa Counties, Arizona, and Sandoval County, New Mexico, and, through successive Section 5 objections, led New York City to adopt a comprehensive program for providing election and voting information in Chinese.

Investigations and outreach efforts earmarked the Program's efforts in 1994 to prepare states for their responsibilities to begin registering voters by mail, and through driver licensing and other state agency offices on January 1, 1995, as required by the National Voter Registration Act of 1993 (NVRA).

During 1995 and 1996 the Program will continue to participate in litigation to defend racially fair redistricting plans from unjustified attacks, to challenge racially discriminatory electoral systems and districting plans, to assure that language minority citizens are able fully to participate in the electoral process, to assure compliance with the National Voter Registration Act of 1993 (NVRA), and to otherwise enforce the Voting Rights Act and other legislation protective of voting rights. In carrying out this mission during 1995 and 1996, the Program will participate in even more lawsuits than in 1994, while continuing to devote additional attorney and support staff to the litigation of the increased number of lawsuits filed earlier. The Program also will be involved in urging appropriate judicial interpretation of the many new and complex issues present in the NVRA and will vigorously defend the constitutionality of the new Act from attack.

The Program's overall work on litigation will continue to be very demanding, as more of our lawsuits reach the discovery and trial stages. A large proportion of the Program's lawsuits have the potential for lengthy, complex trials, and the uncertain state of the law resulting from the Supreme Court's 1993 decision in *Shaw v. Reno*, is leading jurisdictions to fully contest our litigation rather than agreeing to consent decrees.

The review of Section 5 submissions also continues to be demanding, as more complicated voting changes are submitted, and as the question of the permissibility of racial considerations, introduced by *Shaw v. Reno*, arises with increasing frequency. While issues left unresolved by *Shaw* gradually reach the Supreme Court, Section 5 submissions raising these issues will require the concentrated attention of the Program's attorneys. The volume of voting changes submitted for review under Section 5 will be higher in 1995 and 1996 than it was in 1994 as states and counties make changes in voter registration procedures to comply with the NVRA and as they prepare for the 1996 presidential election year.

The Program's highest priority continues to be the defense of redistricting plans that create opportunities for minorities to elect representatives of their choice from unjustified challenges, inspired by the Supreme Court's 1993 decision in *Shaw v. Reno*, that they constitute unconstitutional "racial gerrymanders." The Program is committed as well to the use of the section 5 review process to block the implementation of discriminatory plans for which such justifications are offered. More generally, the use of litigation and objections under Section 5 to vigorously safeguard opportunities for minorities to elect candidates of their choice will continue as a top priority in 1995 and 1996.

Another priority area, mandated by Congress through the enactment of the Voting Rights Language Assistance Act of 1992, which extended and expanded Section 203 of the Voting Rights Act, is assuring that language minority citizens are fully able to participate in the electoral process. The Program will continue to use litigation, Section 5, and the federal observer program in 1995 and 1996 to enable minority language citizens to become full electoral participants.

A third priority area is enforcement of the National Voter Registration Act of 1993 (NVRA), which promises to bring new voices to the political process by making it easier for all Americans to exercise their fundamental right to vote. The Program will litigate with recalcitrant states during 1995 and 1996 to assure compliance by all states, and will review under Section 5 the thousands of changes that will be made to comply with the NVRA in states and counties that are specially covered by the Voting Rights Act.

The Program's traditional overall enforcement of the Voting Rights Act in other areas will continue in 1995 and 1996 as well. The Program, for example, will continue to send federal observers to monitor elections in the South and the Southwest and in New York City; to file lawsuits to remedy election day discrimination and the intimidation of minority voters, based on information obtained from federal observers or on information from other investigations; and to file lawsuits under the Uniform and Overseas Citizens Absentee Voting Act to remedy the late mailing of ballots to overseas voters.

	1995 Availability		1996 Base		1996 Estimates		Increases/Decreases	
	Perm.	MX Amount	Perm.	MX Amount	Perm.	MX Amount	Perm.	MX Amount
Employment litigation.....	65	64 \$5,767	65	64 \$6,090	65	64 \$6,090	...	...
Employment litigation: To reduce employment discrimination by state and local governmental units and federal contractors.								

LONG-RANGE GOAL:

To commence investigations of complaints referred to the Program by the Equal Employment Opportunity Commission (EEOC), or other agencies, within 90 days of agency's referral; to make a recommendation to the Assistant Attorney General to pursue the matter to litigation or to close the case and issue a letter of right-to-sue within 120 days of the date the investigation commences; and, in those matters in which a determination has been made to pursue litigation, to file suit with or without a consent decree within 90 days of the Assistant Attorney General's approval of the complaint.

To file cases alleging violations of Title VII of the Civil Rights Act of 1964, and Title I of the Americans with Disabilities Act.

To issue, within 90 days of properly filed requests, a notice of right-to-sue to persons who have filed with the EEOC complaints of employment discrimination against state and local governments and where the charging party has exercised his or her right to request a notice of right-to-sue.

BASE PROGRAM DESCRIPTION: This Program enforces the federal prohibitions against discrimination in employment based upon race, sex, religion, national origin, and disability. The Department of Justice is the sole federal agency empowered to initiate litigation to redress such

employment discrimination by units of state and local government. In addition, the Program represents other federal agencies which are sued by virtue of their enforcement of federal equal employment opportunity laws. It also has litigating responsibility in the employment area in the private sector on referral from the Department of Labor of cases against federal contractors pursuant to Executive Order 11246 and other federal agencies pursuant to Section 504 of the Rehabilitation Act of 1973.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Program are presented below:

	1993	1994	Estimates
	1993	1994	1995
Investigations (Pattern or Practice and Individual Cases).....	146	48	135
Active Litigation (Pattern or Practice and Individual Cases).....	42	42	40
Agency Referrals (EEOC and Defensive Cases).....	103	102	105
Cases Commenced (Pattern and Practice, EEOC and Defensive Cases).....	17	18	14
Cases Terminated.....	31	28	31
Right-to-Sue Notice Requests Received.....	2,749	3,267	4,000
Right-to-Sue Notices Issued.....	2,380	2,830	3,800
Decreases Requiring Monitoring.....	162	175	160
Decreases Actively Monitored.....	60	60	60
Decreases Obtained.....	15	20	16

In the past year, the Program obtained in excess of \$12 million in back pay and pension relief for victims of employment discrimination pursuant to its pattern or practice authority under title VII of the Civil Rights Act of 1964, as amended. In *United States v. State of New Jersey*, the parties agreed to a \$7.1 million settlement that will be divided among a 1,500 black and female candidates who were denied law enforcement positions because of discriminatory written and physical ability examinations that were administered by the New Jersey Department of Civil Service. In *United States v. Commonwealth of the Northern Mariana Islands*, the parties agreed to a settlement that included \$2.2 million in back pay and other relief for approximately 300 Filipino teachers who had been discriminated against by the Public School System on the basis of national origin. In *United States v. Baltimore Department of Corrections*, the \$3.0 million settlement was entered by the court that will make whole approximately 30 men who were denied hiring and promotion opportunities as correction officers by the state. In *United States v. City of Hialeah*, we obtained \$450,000 in back pay for victims of discriminatory entry-level positions for entry-level police and fire positions and priority employment to 15 black applicants for entry-level police and 15 black applicants for entry-level police and positions. In addition, the Program has, among others, active pattern or practice litigation pending against the North Carolina Department of Corrections; the Caddo Parish, Louisiana; Board of Education; the McHenry County, Illinois; Sheriff's Department; the New Jersey Department of Corrections; the City of Belleville, Illinois.

Further, the Program is actively enforcing outstanding court orders obtained in pattern or practice litigation against the cities of Montgomery and Birmingham, Alabama; Boston, Massachusetts; Buffalo, New York; San Francisco, California; and Chicago, Illinois.

The EEOC refers to the Program unresolved complaints of employment discrimination for litigation. Each one of these referrals is reviewed by a staff attorney to determine if further investigation is warranted. If so, an investigation and, if appropriate, litigation follows. Some of the Program's recent cases involving EEOC referrals include: in *United States v. Board of Trustees of Southern Illinois University*, the Program obtained a final order holding that the defendant engaged in discriminatory employment practices based on religion and an order reinstating the charging party and awarding him \$93,030 in back pay; in *United States v. Arkansas Department of Correction*, the Program obtained a settlement that includes a back pay award of \$88,348 for two charging parties that alleged discrimination based upon race and an offer of reinstatement for one of them; in *United States v. Arizona Board of Regents*, the Program resolved a complaint that alleged discrimination based on national origin through entry of a consent decree that included reinstatement and a monetary award of \$25,000.

In the area of enforcing the Americans with Disabilities Act, the Program filed a case against the State of Illinois and the City of Aurora, Illinois alleging a pattern or practice of discrimination in violation of Title I of the ADA with respect to the administration of pension systems for police officers and firefighters. In addition, the Program filed a case based upon a referral of a charge of discrimination from the EEOC alleging that the City of Pontiac, Michigan discriminated against an otherwise fully qualified firefighter applicant on the basis of his monocular vision. Each of these cases is currently in pre-trial discovery.

The Program's responsibility to monitor decreases has increased significantly and there are approximately 160 decrees for which the Program has enforcement responsibilities.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Coordination and review.....	33	31	\$3,307	33	32	\$3,505	33	32	\$3,505	...	...	...

LONG-RANGE GOAL: To achieve consistent and effective enforcement of various civil rights statutes that prohibit discrimination on the basis of race, color, national origin, disability, sex, and religion in federally assisted programs, on the basis of disability in state and local government services, and on the basis of disability in federally conducted programs.

MAJOR OBJECTIVES:

Implement administrative enforcement of Title II of the Americans with Disabilities Act (ADA) through the investigation of complaints of discrimination on the basis of disability in state and local government programs where Department of Justice is the "designated agency" for complaint investigations.

Refer, to the appropriate litigating component of the Division, findings of noncompliance where settlements cannot be obtained for possible litigation under Title II of the ADA or funds termination under Section 504 of the Rehabilitation Act of 1973, as amended.

Coordinate consistent and effective government-wide enforcement of Title II through the issuance of policy guidance and assistance to other federal agencies with Title II enforcement responsibilities.

Maintain a "clearinghouse" function to refer Title II and other civil rights complaints to the appropriate investigatory agencies, and to monitor the disposition of those complaints.

Develop new regulations and amendments to existing regulations for Department of Justice and for other agencies.

Maintain a continuing program of civil rights oversight, regulatory and program review, policy guidance, and technical assistance under Executive Order 12250 with respect to federal agencies administering federally assisted programs and to maintain liaison with other Department organizations and federal agencies involved in civil rights litigation.

Maintain a continuing program of oversight, regulatory and program review, policy guidance, and technical assistance to all federal executive agencies, and Department component organizations, to enable them to meet the requirements of Section 504 with respect to their federally conducted programs.

BASE PROGRAM DESCRIPTION: The Coordination and Review Program implements the administrative enforcement provisions under Title II of the ADA, which prohibits discrimination against individuals with disabilities in the receipt of public services. This regulation affects all

operations of state and local governments, whether or not they receive federal funds. The Program is responsible both for the coordination of Title II administrative enforcement by other agencies, and for the Department's own complaint investigation and compliance review functions. These activities include: investigating complaints and performing compliance reviews, seeking resolution of complaints through alternative dispute resolution techniques and voluntary compliance agreements, issuing formal letters of findings of compliance and noncompliance and seeking voluntary compliance where noncompliance is found, and referring, to the appropriate litigating component of the Division, cases for litigation where voluntary compliance is not obtained.

The Program ensures that all federal Executive agencies effectively and consistently implement the nondiscrimination provisions of federal statutes prohibiting discrimination on the basis of race, color, national origin, disability, religion, or sex, in programs that receive federal financial assistance. Under Executive Order 12250, the Program undertakes a diverse array of regulatory and administrative initiatives. The Program reviews all new civil rights regulations for consistency, adequacy, and clarity; approves annual civil rights implementation plans setting forth the goals, priorities and proposed activities of the various agencies; collects government civil rights workload and performance data; provides training and technical assistance to improve their civil rights enforcement procedures and programs as well as outreach programs; and, promotes interagency information sharing and cooperation.

The Program provides support to the Assistant Attorney General for Civil Rights as the Chairperson of the Interagency Disability Coordinating Council established under the Rehabilitation Act Amendments of 1992, and as the Department of Justice representative on the Architectural and Transportation Barriers Compliance Board (ATBCB). Support is provided to the Office of the Solicitor General, the Civil Division and other federal agencies as discussed above.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Coordination and Review program are presented in the following table:

	1993	1994	1995	1996
ADA Title II Complaints:				
New complaints retained for investigation.....	458	692	750	800
Closed.....	161	200	225	250
ADA Title II Coordination:				
Complaints referred to other agencies.....	520	722	750	750
Responses to citizens and public officials.....	200	200	200	200
Regulatory Activities:				
ADA regulations and policy guidance documents reviewed/developed.....	20	15	10	10
Other regulations and policy documents reviewed/developed.....	15	10	5	5
Executive Order 12250 Activities:				
Reviews conducted of agency programs/data.....	23	23	23	23
Responses to citizens and public officials.....	250	1,800	2,000	2,000
MTC and other complaints closed.....	5	...	...	...

Accomplishments and workload reporting categories have been revised for 1993-1996 to reflect implementation of Title II coordination and complaint investigation responsibilities and to more clearly report on regulatory and policy activities under the ADA and E.O. 12250, respectively.

Under its Executive Order 12250 responsibilities, the Program prepared a policy statement signed by the Attorney General reminding agencies that, where appropriate, an adverse effects standard should be used when conducting investigations under Title VI, and that the disparate impact provisions in their regulations are an essential component of an effective civil rights compliance program. The Program provided assistance to the White House and the Environmental Protection Agency in the development and implementation of Executive Order 12898 on environmental justice. The Program also reviewed the civil rights implementation plans and workload and performance data from 23 agencies.

The Program's regulatory activities included the publication, in conjunction with the Equal Employment Opportunity Commission, of a final regulation for coordinating ADA employment complaints, and the training of agency staff in its provisions.

The Program continued to guide the development of the ATCS's Title II design standards for state and local government. The Program also published a proposed regulation that would adopt the revised ADA Accessibility Guidelines as the ADA Standards for Accessible Design for new construction and alterations covered by Title II of the ADA.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease	
	Perma.	NY	Amount	Perma.	NY	Amount	Perma.	NY	Amount	Perma.	NY
Housing and civil enforcement.....	100	96	\$9,954	98	95	\$10,342	98	95	\$10,342	...	...

LONG-RANGE GOAL: To eliminate illegal discrimination in housing opportunities and credit transactions; to eliminate illegal discrimination in places of public accommodation; and, to secure general compliance with the Equal Credit Opportunity Act (ECOA) and its implementing regulations.

MAJOR OBJECTIVES:

To investigate compliance with and initiate litigation to enforce the Fair Housing Act and the ECOA, monitor final court orders resulting from such suits, and move for contempt of court or other relief where the facts warrant.

To initiate litigation, upon referral from the Department of Housing and Urban Development (HUD), to enforce the Fair Housing Act.

To communicate equal housing and equal credit opportunity information to the public by liaison with federal, state and local enforcement agencies, and private fair housing groups.

To investigate compliance with and initiate litigation to enforce the provisions of Title II of the Civil Rights Act of 1964 relating to public accommodations.

BASE PROGRAM DESCRIPTION: This Program enforces federal statutes prohibiting discrimination in housing, consumer credit, and public accommodations. Authority in this area has been substantially expanded by the Fair Housing Amendments Act of 1988. This Act, which went into effect in March 1989, gives the Program added authority to seek damages and civil penalties, in addition to injunctive relief, in fair housing

cases; to seek relief for individual victims of discrimination as well as against the "pattern and practice" of discrimination; and, to seek relief where there is discrimination on the basis of handicap and familial status in addition to race, color, religion, national origin and sex.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Program are presented in the following table:

	1993	1994	Estimate 1995	1996
Total Cases Filed.....	129	189	265	285
Non-Discretionary.....				
HUD Election.....	102	150	195	208
HUD Prompt Judicial Action.....	91	145	180	190
Defensive Cases.....	3	2	3	3
Discretionary.....	27	39	70	77
Pattern or Practice				
Testing.....	7	11	35	40
Mortgage Lending.....	...	4	8	9
Insurance.....	...	...	2	2
Other.....	11	6	8	9
HUD Lending and Other Referrals.....	1	3	5	5
Amicus Curiae.....	5	8	8	8
Public Accommodations.....	2	4	3	3
Intervention.....	1	1	1	1
Case Resolutions.....	116	125	145	160
Consent Decrees.....	91	103	120	130
Litigated Judgments.....	25	22	25	30

The workload table presents data concerning the performance of the Program primarily in terms of (1) non-discretionary case filings -- cases referred to us by HUD which under the Fair Housing Act, as amended in 1988, which the Attorney General is required to bring, and (2) discretionary case filings -- primarily cases brought under pattern or practice authority conferred on the Attorney General by the Fair Housing Act. The pattern or practice suits are further broken down to demonstrate those cases initiated under major initiatives of the Program, i.e., cases resulting from the testing, mortgage lending and insurance industry initiatives. The testing program and mortgage lending initiatives are particularly high priority activities of the Program.

The data indicates the very significant increase in case filings between 1993 and 1994 -- an increase of over 50%. This supplements a similar increase between 1992 and 1993. Indeed, the rate of case filings has steadily increased since the effective date of the amended Fair Housing Act in March of 1989, and is now approximately ten times what it was prior to that time when the Program typically had 20-25 case filings, of which 15-20 were pursuant to the Fair Housing Act.

The bulk of the increase has been in the area of nondiscretionary filings. With the passage of the amended Fair Housing Act, there were very significant increases in such filings from 1989 - 1991. Although there was a slight decrease between 1991 and 1992, since then the increase has continued and has been significant. Between 1992 and 1993, nondiscretionary case filings increased from 66 to 102 (56%), and the increase between 1993 and 1994 was similar -- 102 to 150 (46%). Overall the increase in such filings between 1992 and 1994 has been more than double -- from 66 case filings in 1992 to 150 such filings in 1994. With the approval of the Attorney General, the Division has begun delegating some of the non-discretionary filings to the United States Attorneys Offices, so the Program may focus on broader pattern and practice cases.

The data also reflects significant increases in discretionary filings, especially in the number of pattern or practice case filings. Such filings are particularly important to the Program's enforcement effort because of their greater scope and impact than cases referred to us by HUD, which generally involve individual instances of discrimination. The data first reflects continued increases in such pattern or practice cases resulting from the testing initiative which was launched in November of 1991. This testing initiative is one of Program's highest priorities. It has proven very effective as it has gotten up and running and has vast potential for improving the scope and effectiveness of the enforcement program. Settlements in such cases continue to be significant. One such filing resulted in a settlement of over \$257,000 and another out of Ohio was for \$175,000, and is believed to be a record monetary award in a fair housing case in that state.

Similarly, in the mortgage lending area, another area of highest priority for the Program, four major suits were filed accompanied by consent decrees awarding significant monetary and injunctive relief. One major case alleging redlining of certain black neighborhoods in Washington D.C. resulted in a settlement valued at \$11 million. The other settlements were likewise very significant: an award of just under \$1 million against a bank in Boston, an award of \$800,000 against a Mississippi bank and an award of \$125,000 against a South Dakota bank for discrimination against American Indians. There was progress in our efforts to combat discrimination in the provision of property insurance. This has been an area of increasing activity in recent years with the Program participating in an important case before the Seventh Circuit Court of Appeals which resulted in a holding that discrimination in the provision of such insurance violates the Seventh Circuit investigation of alleged discrimination by a large insurance company was initiated in 1993 and was in pre-suit negotiations as of the end of 1994.

	1995 Availability			1995 Base			1996 Estimate			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
Educational opportunities.....	30	31	\$2,586	30	31	\$2,741	30	31	\$2,741	...	...	...

LONG-RANGE GOAL: To eliminate segregation in public elementary and secondary schools and public institutions of higher education. To eliminate discrimination in and/or denial of educational opportunities to students on account of race, sex, color, or national origin.

MAJOR OBJECTIVES:

To eliminate denial of equal protection of the law in educational institutions on account of sex; and, secure equal educational opportunities for students in public school systems and educational institutions receiving federal financial assistance.

To seek supplemental judicial relief to eliminate the vestiges of racially dual school systems and to achieve compliance with constitutional requirements. This relief in school districts will lead to the elimination of the need for judicial supervision of many of these school districts.

To file lawsuits, upon referral from the Department of Education (ED), to enforce nondiscrimination assurances made by educational institutions receiving federal funds and defend ED against court challenges to its authority to enforce civil rights assurances by federal recipients through the administrative process.

BASE PROGRAM DESCRIPTION: This Program enforces federal statutes which require nondiscrimination in public education. In addition to its historical focus on combating discrimination based on race, the Program has continued to devote increased resources to attack gender discrimination. The Program also has responsibility for representing the Department of Education in certain types of suits filed against the Secretary of Education, as well as for filing suits on behalf of the Secretary when school districts fail to comply with various statutes.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Program are presented below:

	1993	1994	Estimates 1995
Investigations Conducted.....	340	330	340
Cases and Major Motions Filed.....	27	28	25
Cases Closed.....	150	150	140
Defensive Cases in Progress.....	7	10	15
Judgments/Decrees/Agreements.....	189	200	175

Recent enforcement efforts have not just emphasized traditional desegregation issues but have also emphasized obtaining relief for minority students which results in enhanced educational opportunities. In several cases the program has either obtained consent decrees or court orders which require that school officials ensure minority students receive equal and full access to programs for gifted students and advanced academic programs. The Program completed an investigation of complaints filed against the Randolph County School District in Georgia. The investigation revealed that black high school students were consistently assigned to remedial classes (general math), while white students were assigned to advanced, accelerated, and college preparatory classes (e.g., Algebra and Calculus). Additionally, black elementary students were generally assigned to non-challenging and remedial classes, while whites were not treated the same. In December 1994, the school district agreed to take corrective actions, ensuring that black students and faculty are provided equal educational and employment opportunities. A January 1995 Consent Decree resolved the status of a white principal charged with creating a racially hostile school environment. In Darlington, South Carolina and other cases, school districts have been required to construct new facilities to ensure that minority students attend desegregated schools and that minority students have better facilities.

The Program has pursued a special initiative involving addressing the needs of non- or limited English speaking students who are being denied equal educational opportunities because of language barriers. Previously, the Program resolved allegations that Navajo Indian students enrolled in the Cuba School, in New Mexico, were being placed in special education classes; that Navajo students were dropping out of school at a disproportionate rate because of language barriers; and, that the district was failing to take reasonable steps to employ bilingual teachers. An investigation was completed of the San Juan School District in Utah and similar programs were determined. The district has failed to provide adequate language services to Native American students and, therefore, these students are not being provided educational opportunities equal to those received by white students. Additionally, the investigation revealed that Native American students living in a particular area in the school district do not have access to a school and must travel for long periods of time and distances in order to attend the next nearest school or must live away from home with a relative who lives near a school. The Program filed complaints in intervention in two on-going private suits challenging these practices. Prosecution of the lawsuits will require consultation with other government agencies, principally the Department of Interior, and the retention of experts relative to the language needs of Native Americans.

The Program continues to handle several high profile, complex, statewide, and voluminous higher education suits. The Program was successful in obtaining another favorable court judgment in a higher education case. On November 14, 1994, the District court in *United States v. State of Louisiana* entered an order approving a comprehensive statewide desegregation plan submitted in a settlement agreement signed by all parties. The Program had been required to prepare this complex and high profile case for a new trial, which like similar cases, involved numerous experts in different fields. The court has taken the matter under advisement and has indicated that a ruling is expected in early 1995.

Additionally, in June 1992, the Supreme Court issued a favorable decision in *United States and Ayres v. Fordice*. This is the first decision of the Supreme Court which deals squarely with the area of higher education desegregation; thus, it clarifies the law in this area. Based upon the Fordice decision, an unfavorable decision of the lower court in the cases was reversed and the case was remanded to the district court for further proceedings. Trial commenced in 1994 and lasted ten weeks. Discovery produced more than 150,000 pages of documents, and the parties collectively employed 40 expert witnesses, most of whom were deposed and testified at trial.

In the area of sex discrimination, the Program continued to monitor the remedial actions of a major Texas public university accused of sex discrimination and harassment of females in its Corps of Cadets. Additionally, the Program is handling two high profile gender discrimination suits involving discriminatory admissions policies. The Fourth Circuit Court of Appeals determined that the male-only admissions policy of the Virginia Military Institute (VMI) is unconstitutional. Subsequently, the defendants submitted a proposed remedial plan. The government strongly objected to the proposed plan, which maintains VMI as a male-only institution and creates a private women's college which offered few of the benefits found at VMI. Following five months of discovery, some of the nation's leading experts in gender discrimination testified at a February 1994 trial. The district court's decision upholding defendants' plan was appealed to the Fourth Circuit. In a similar case filed against the Citadel in Charleston, South Carolina, a disability trial was held in early spring. The district court ordered the state to develop a plan for the full admission of Shannon Faulkner to the Citadel Corps of Cadets, pending approval by the court of any alternative proposal. The Citadel has submitted a proposal (which the state has yet to agree to) and the parties anticipate a trial on the adequacy of this proposal in the spring of 1995, following discovery.

	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
Public access.....	43	46	\$8,698	43	46	\$8,974	43	46	\$8,974	...	...	...

LONG-RANGE GOAL: Ensure that public and private entities comply with the Americans with Disabilities Act (ADA) and the Department's regulations prohibiting discrimination on the basis of disability in public employment, public programs, services, and activities, and privately owned places of public accommodation and commercial facilities.

MAJOR OBJECTIVES:

Develop the legal principles necessary to create a nationwide climate where compliance with Title II (public services) and Title III (public accommodations and commercial facilities) of the ADA can be achieved. Investigate alleged violations of Titles II and III, and secure compliance through litigation or voluntary settlement agreements.

Develop and implement a program to provide technical assistance on Titles II and III of the ADA directed to state and local governments, to private entities that operate public accommodations and commercial facilities, and to individuals with disabilities. Provide legal guidance to Federal agencies developing ADA technical assistance materials and coordinate a government-wide program to ensure consistency and efficiency among Federal agencies' programs implementing Federal statutes that prohibit discrimination on the basis of disability.

Manage a program to certify state and local building codes that meet ADA standards for Accessible Design and to provide technical assistance to building code officials and to organizations that develop model accessibility codes.

BASE PROGRAM DESCRIPTION: This Program implements the Department of Justice's enforcement responsibilities under Titles II and III of the Americans with Disabilities Act (ADA), which prohibit discrimination based on disability in all of the programs, services, and activities of public entities, and privately owned public accommodations and commercial facilities. Under Title II, the Program initiates litigation upon referral from any one of the eight designated Federal agencies that conduct Title II investigations. Under Title III, the Program investigates complaints of discrimination in public accommodations and commercial facilities and initiates litigation where there is a pattern or practice of discrimination or discrimination involving an issue of general public importance. Program staff seek to avoid contested litigation through the entry of settlement agreements and court approved consent decrees.

As required by section 506 of the ADA, the Program conducts technical assistance activities for entities covered by, and for persons with disabilities having rights under, Titles II and III of the ADA. These activities include technical assistance provided through outreach to broad and targeted audiences, a telephone information line with 24-hour service, written responses to requests for technical guidance, the

development and distribution of interpretative materials including annual updates to the statutorily required technical assistance manuals for Titles II and III, an electronic bulletin board for dissemination of materials, an information booth at major national conventions for dissemination of materials, and an ADA speaker's bureau. The Program also provides technical assistance through third parties operating under grants and contracts administered by the Program.

The Program manages a government-wide technical assistance program in order to facilitate a coordinated approach to achieving voluntary compliance with the ADA. Program staff chair an ADA Technical Assistance Coordinating Committee which meets quarterly, review technical assistance materials developed by other agencies to ensure accuracy and consistency, and undertake other initiatives to ensure that technical assistance provided by the Federal government is consistent and provided in a cost-effective manner.

The Program provides technical assistance to and acts upon requests from state and local jurisdictions seeking certification that their building codes meet or exceed ADA accessibility requirements. The Program provides public notice and conducts public hearings on its proposed certifications. on, the Program provides technical assistance to private sector organizations that are revising or developing model consensus standards based on ADA requirements.

ACCOMPLISHMENT: Q: Accomplishments of the Program are presented in the following table:

	1993	1994	1995	Estimates 1996
Litigation:				
Cases Pending 10/1.....	...	3	11	16
Cases Commenced.....	5	15	15	15
Decrees Obtained.....	2	7	10	10
Investigations/Compliance Reviews:				
Investigations/Compliance Reviews Pending on 10/1.....	980	1,850	2,056	1,956
Investigations/Compliance Reviews Commenced.....	1,168	467	300	300
Investigations/Compliance Reviews Closed.....	289	270	400	400
Other Enforcement Activities:				
Formal Settlement Agreements.....	...	12	25	25
Decrees/Settlement Agreements Monitored.....	...	10	16	20
Technical Assistance:				
Information and Publications Disseminated.....	.8M	7.0M	7.5M	7.4M
Calls to ADA Information Line.....	n/a	80,000	100,000	100,000
Electronic Document Dissemination.....	n/a	6,000	10,000	10,000
Training/Speaking Engagements/Exhibit Booths.....	120	120	120	120
Grants Initiated and/or Supplemented.....	11	12	21	21
Certification:				
Requests Pending on 10/1.....	3	5	10	17
Requests Received.....	3	4	10	10
Final Determinations Issued.....	...	...	3	5
Technical Assistance Provided.....	3	2	10	10

The Program has been in operation for two years with responsibilities for litigation under Titles II and III, technical assistance, and certification. Twelve two-year term appointments were added in 1994 to handle technical assistance functions so that attorney and paralegal time can be devoted to investigations and litigation.

Litigation and Enforcement

In its enforcement activities, during 1994 the Program continued to build the litigation program first established in 1993. Through lawsuits and both formal and informal settlement agreements, the Department has achieved greater access for individuals with disabilities in more than 300 cases.

At the beginning of 1994, three suits were pending. One of those cases, *Finnsch v. International House of Pancakes*, involved a constitutional challenge to Title III of the ADA. In 1994, the district court rejected that challenge and entered judgment for the United States. Another case, involving the failure of the nation's largest CPA review course to provide effective auxiliary aids to students with hearing impairments, was successfully resolved by a consent decree that required the defendant to amend its policy to provide appropriate auxiliary aids, and to pay \$20,000 to seven former course participants who are deaf or who have hearing impairments; and establish a \$25,000 scholarship fund for accounting students who have hearing impairments. The third case involved access to a state court by a person who uses a wheelchair. The U.S. district court dismissed the case on the grounds of judicial immunity. It is now on appeal.

In 1994, the Program initiated or participated in fifteen new suits, nine under Title III and six under Title II. Two Title III cases challenged the practices of dentists who refused treatment to persons who are HIV; five alleged failures to remove architectural barriers to access where readily achievable; one alleged failure to comply with the ADA Standards for Accessible Design in altering a restaurant; one involved the failure to provide auxiliary aids to students with vision and hearing impairments in the nation's largest bar review course; one involved a graduate school's refusal to admit a student with Tourette syndrome and the last involved a constitutional challenge to the religious organization exemption. One of the barrier removal cases and the bar review case have been resolved by consent decrees that provided for the first civil penalties under the ADA -- \$20,000 and \$25,000 respectively. In the first AIDS-related consent decree under title III, the defendant dental office will pay \$100,000 in damages and penalties for refusing to treat a patient who was HIV+. The remaining cases were pending at the end of the fiscal year.

The Title II cases involved challenges to zoning decisions, procedures for licensing physicians, procedures for licensing attorneys, and arrest procedures. The medical licensing case settled after a preliminary ruling favorable to the government's position. The legal licensing cases are ongoing, but in procedural rulings, the Federal district courts have agreed that a licensing process that places greater burdens on individuals because of positive responses to the challenged questions about an applicant's medical history would likely violate title II. The zoning and police procedures cases are ongoing.

Fifteen formal out-of-court settlement agreements were signed through the end of 1994 and dozens of informal settlements have been reached under title III. Formal settlements were reached, *Inter alia*, with the Empire State Building, the Intercontinental Hotel, Avis, Inc., the Educational Testing Service, the largest restaurant in Boston, and a zoo in Omaha.

In 1994, the Program also initiated a contract with a national architectural firm with several specialty areas (e.g., stadiums, structural engineering) and expertise in accessibility, to conduct plan reviews and site visits of facilities. For the first time, the Program reviewed plans for new construction and alterations, and visited the altered facilities without having first received complaints. When these compliance reviews revealed serious violations in dining and health care facilities, formal investigations were initiated. Through the judicious use of this resource, the Program expects to facilitate the enforcement of the ADA's new construction requirements in a way that will minimize costly retrofitting of covered facilities.

The next two years are crucial ones for the enforcement of the ADA. To be fully effective, the Program must initiate litigation under Titles

II and III and must take steps to fulfill other statutory mandates. In order to focus its resources in areas where enforcement action is most critically needed, and in light of its limited number of attorneys, the Program cannot investigate all complaints. This accounts for the substantial reduction of investigations initiated from 1993 to 1994.

In 1995, the Program projects an increase in the number of complaints received, partly due to increased visibility of the enforcement effort through litigation. The number of entities covered under Titles II and III (approximately 80,000 state and local government units and nearly 6 million private enterprises) is immense. Because the ADA is a relatively new statute, there is a significant potential for litigation. The Program intends to exercise its discretion to pursue those litigation opportunities designed to maximize the use of its limited resources to litigate the most significant legal issues, which can be expected to affect large numbers of people, and to obtain relief in other cases through the continued use of settlements and pre-trial consent decrees.

During the first quarter of 1995, the Program has implemented this strategy by using consent decrees to resolve successfully *United States v. Life Limited*, the first lawsuit alleging that a place of public accommodation (in this case, a restaurant) was altered without complying with the ADA requirement to provide access for people who use wheelchairs. In the consent order, the defendants admitted the violation, agreed to take corrective action, and to pay \$10,000 in civil penalties and \$6,000 in damages to four individuals. The Program also filed, and resolved by consent decree, a lawsuit involving accessibility problems at the Hyatt Regency Dallas Hotel. Under the consent decree, the defendants agreed to make physical changes necessary to make the hotel accessible and will also offer compensation to 24 aggrieved individuals with disabilities. The Program has also filed a lawsuit against the owner of a restaurant in northern Michigan, alleging failure to undertake required barrier removal, and has entered into five formal out-of-court settlements.

Technical Assistance

In its 1994 technical assistance activities, the Program improved services to the public by enhancing access to ADA information through telecommunications, increasing outreach and publications distribution to the local level, and expanding its interagency coordination activities. The ADA Telephone Information Line, which receives more than 80,000 calls a year, was improved by converting to toll-free "800" service, increasing the hours of daily on-line service by ADA specialists, increasing the number of specialists who can handle calls simultaneously, and providing service for Spanish-speaking callers.

The Program provided an ADA Information File containing 33 ADA publications to 15,000 libraries throughout the country and developed a public service announcement announcing the availability of ADA information in public libraries and the Department's toll-free information line. The ADA Information File provides general ADA information and specific information on how to comply with the ADA in restaurants, hotels, retail establishments, hospitals, state and local government programs, and other settings. A similar package of ADA publications was made available to 6000 Chambers of Commerce nationwide.

The Program informed 5.9 million businesses about its toll-free ADA Information Line; informed 90,000 state officials, university professors, and others about the availability of free ADA information; reached people with disabilities, their families, and others through ADA brochures placed in grocery stores throughout the United States; and made ADA technical assistance materials available through the Government Printing Office. ADA technical assistance materials were translated into Spanish and three other languages. In total, over 7 million publications and information pieces were disseminated to the public in 1994. An additional 6000 documents were disseminated electronically through the Program's electronic bulletin board. The Program anticipates increased use by the public of this low-cost means of accessing materials in the future.

Pursuant to Section 506 of the ADA, in 1994, the Program awarded ten technical assistance grants to organizations providing specialized technical assistance addressed to: police departments and courts, architects, design professionals, building contractors and construction tradespeople, professional mediators, local historic preservation commissions and boards, individuals with disabilities, and members of the public.

To improve coordination and cooperation among Federal agencies providing ADA technical assistance to the public, the Program began developing a database of ADA technical assistance materials and activities that will be used to generate a report by the Attorney General on ADA technical assistance accomplishments government-wide. The database will be shared with other agencies and used to generate resource guides.

In 1995 the public's demand for technical assistance services is expected to increase substantially. As a result of outreach activities and the establishment of the toll-free ADA Information Line in March 1994, the volume of requests for technical assistance is increasing and more people are ordering materials. Statistics from the beginning of 1995 show that calls to the Information Line had increased from 3,800 in March 1994 to more than 8,000 in October 1994, the first month of the fiscal year. As of November 1994, requests for materials had reached 3,350 orders per month and the Program was disseminating more than 24,000 documents per month in response to requests. Simultaneously in 1995, technical assistance staff will be carrying an increased workload in answering technical assistance letters, drafting technical assistance materials, participating in speaking and training engagements, and reviewing technical assistance materials prepared by grant recipients and other Federal agencies, as legal staff become less available to participate in these activities. In 1996, the Program anticipates that the public's demand for ADA technical assistance services will continue to increase.

To address this increasing demand for technical assistance, the Program is increasing its use of electronic media. The Program operates an electronic bulletin board system (BBS) that contains its ADA regulations and technical assistance materials as well as some materials from other Federal agencies. These can be accessed directly or through the Internet. The Department also has placed a variety of its ADA materials directly on the Internet, including press releases on ADA cases and ADA regulations and technical assistance.

Certification

In its certification activities, the Program acts upon requests from state and local governments to certify that the accessibility requirements of their state or local building codes meet or exceed the requirements of the ADA. This is a voluntary program in which states and localities may choose to participate. When a code has been certified, compliance with the certified code constitutes rebuttable evidence of compliance with the ADA in ADA enforcement proceedings. To date, the Program has received certification requests from the States of Washington, New Hampshire, New Mexico, Utah, Florida, and Texas and from the City of New York.

In order to make a preliminary determination, the Program reviews each submitted code on an element-by-element basis and compares it to the requirements established by the Department's regulation implementing Title III. To facilitate this process, the Program has developed a comparison form to enable the Program to compare each element of the ADA requirements with the submitted code. The form enables Program staff to identify potentially analogous provisions in the submitted accessibility code or other applicable building, plumbing, or fire codes enforced by the submitting jurisdiction, as well as any pertinent case law or interpretive material, and to determine whether each element in the submitted code is equivalent to the ADA requirements. Performing this exhaustive analysis is a lengthy and time-consuming process. It may require frequent consultation with the submitting officials to acquire information omitted from the initial submission. A complete analysis of a submitted code may exceed 200 pages; preparing it is, therefore, time-consuming and labor intensive. When a preliminary determination to certify a code is made, the Program is required to provide public notice of its decision, to receive and analyze public comments on the code and the proposed certification, and to conduct a public hearing on the certification. Following the public comment period and the hearing on the submission, a final determination to certify or to deny certification is issued.

In 1994, the Program responded to the State of Washington by providing technical assistance, in the form of a detailed analysis of the state's accessibility codes as compared to the ADA standards to assist the state to identify and resolve areas of discrepancy. In response, the state made significant revisions to its initial submission, which enabled the Program to issue a preliminary determination of certification in December 1994. The Program expects to issue a final determination in 1995. The Program denied certification to the City of New York in October 1994.

The Program also provides essential technical assistance to state and local governments that are amending their building codes to be consistent with the ADA, and to private sector organizations that develop the model accessibility codes that form the basis of many state and

local codes. This technical assistance results in submissions that are much closer to being certifiable, reducing the need for states to repeatedly submit, and the Program has been asked to provide technical assistance to three code jurisdictions and three model code organizations. To facilitate this process in the future, the Program will provide its comparison form to submitting officials, upon request, to guide them in the process of comparing their codes to the AHA requirements.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	WX	Amount	Perm.	WX	Amount	Perm.	WX	Amount	Perm.	WX
Office of special counsel.....	31	32	\$5,700	29	30	\$5,863	29	30	\$5,863	...	...

LONG-RANGE GOAL: To eliminate immigration related unfair employment practices through enforcement of, and public education about, Section 102 of the Immigration Reform and Control Act of 1986.

MAJOR OBJECTIVES:

- To remedy discrimination based on national origin and citizenship status under the Immigration Reform and Control Act of 1986.
- To investigate charges of discrimination and to undertake independent investigations where there is reason to believe violations have occurred.
- To initiate and file complaints with administrative law judges in appropriate cases.
- To undertake public education initiatives intended to inform employers, potential victims and the general public of their rights and responsibilities under Section 102.
- BASE PROGRAM DESCRIPTION:** Pursuant to Section 102 of the Immigration Reform and Control Act of 1986 (IRCA), discrimination in hiring, recruiting, discharging or referring an individual for a fee because of said individual's national origin or (in the case of a protected individual) citizenship status is an "immigration related unfair employment practice." OSC was created to enforce these provisions. Exempted from Section 102's prohibitions are: a) employers with less than four employees; b) national origin claims which are enforceable under Title VII of the 1964 Civil Rights Act, 42 U.S.C. 2000e; and, c) discrimination based on citizenship status which is required by statute, regulation, executive order, government contract, or where the Attorney General determines citizenship status is essential for an employer to do business with a federal, state or local government agency or department.
- OSC receives and investigates charges of employment discrimination filed by private individuals or by those who are filing on their behalf. It then determines whether the charges may be dismissed, settled or warrant filing an administrative complaint. OSC also, on its own initiative, conducts independent investigations of Section 102 violations, including possible pattern and practice violations. When justified, OSC may file a complaint with an administrative law judge seeking a cease and desist order and, where appropriate, back pay, civil monetary penalties, or both. When the administrative law judge finds a violation and orders relief, OSC may file an action in federal court to enforce the order. In cases where OSC chooses not to file an administrative action, the Act provides the individual the right to file his/her own claim before an administrative law judge.
- The Program coordinates with officials of the Equal Opportunity Commission (EEOC), the Immigration and Naturalization Service (INS), the Department of Labor, other federal and state agencies and community-based organizations to ensure uniform and effective enforcement of IRCA's antidiscrimination provisions. The Program provides legislative counsel to other programs within the Department and to other federal agencies.

The Program promotes awareness of IRCA's antidiscrimination provisions through public outreach efforts including: an annual nationwide grant program; media advertising; training; publications; and, participation in conferences and cooperative activities involving public and private groups. The 1990 Immigration Act extended to the Special Counsel specific statutory authority for the development of a nationwide public education campaign.

ACCOMPLISHMENTS AND WORKLOAD: The accomplishments of the Office of Special Counsel are displayed in the following table and the concluding narrative.

	1993	1994	Estimates 1995	1996
Charges filed with OSC.....	628	694	763	832
Independent investigations initiated.....	29	63	73	80
ALJ complaints filed.....	21	16	18	20
Formal settlement--				
of charges.....	82	53	58	63
of independent investigations.....	10	8	12	15

*Data for 1993 has been revised to include settlements achieved in 1993 but not reported until 1994.

In 1994, OSC received 694 discrimination charges and initiated 63 independent investigations. During this period, OSC filed 16 complaints and negotiated 53 formal settlements of charges and a settlements of independent investigations. Many other investigations were resolved through voluntary changes in personnel policies and practices or the demonstration of legitimate justification for otherwise discriminatory policies. In 1994, OSC won over \$267,000 in back pay and collected over \$179,000 in civil penalties.

OSC continues to increase the number of pattern or practice cases it pursues, as well as the level of sophistication with which we investigate and resolve them. Some of OSC's cases have affected entire industries and produced widespread reforms. For example, through a far-reaching settlement achieved in 1994, an apprenticeship program for domestic workers in New York's apple growing industry was initiated. Such programs can serve as a model for others and be a significant tool in mitigating citizenship status discrimination faced by domestic workers.

OSC's main public education activity is its annual grant program for nonprofit organizations throughout the country. In 1994, the program awarded \$900,000 in grants to nonprofit community-based organizations for the development and implementation of public education programs designed to address the unique needs of communities with high alien and minority language populations. In 1995, OSC will continue the community-based public education grant program previously funded through the INS legislation account.

OSC's public education activities also include a national outreach campaign through a private contractor which aired television and radio announcements nationwide, as well as produced and distributed materials in many languages. Additionally, OSC maintains liaison with nearly a dozen federal agencies and has continued aggressive outreach to inform public interest and community groups, as well as INS offices and legal aid centers, of the antidiscrimination requirements under Section 102. OSC also participates in numerous seminars and conferences before public interest, immigrant rights advocacy and employer groups across the country.

With respect to charge referral, in addition to its memorandum of understanding (MOU) with the EEOC, OSC has entered into MOU's with numerous state and local human rights agencies throughout the country. These MOU's are very basic referral agreements aimed primarily at gaining the opportunity to increase awareness among state and local government personnel of OSC and IRCA's antidiscrimination provisions. In 1994, OSC initiated a campaign to both update existing agreements and to establish new ones. OSC has received a favorable response in both categories.

Over the years, OSC has found that among immigrants there is a reluctance to report charges of discrimination, especially to a government official. In the case of citizenship or national origin discrimination, an individual may not suspect he/she has been discriminated against

in employment. Effective enforcement of EEOC's Section 102 cannot rely solely on charges filed with OSC, but requires aggressive, directed independent investigations. Further, public education activities must be maintained and expanded to reduce discrimination through a broad network capable of reaching an increasingly diverse and elusive population of employees and potential victims of discrimination. In 1995, OSC will pursue more complex and protracted investigations of discriminatory practices industry-wide and/or by large national companies.

	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease	
	Perf.	WT	Amount	Perf.	WT	Amount	Perf.	WT	Amount	Perf.	WT
Management and administration.....	73	84	\$8,408	69	83	\$8,662	69	83	\$8,662	...	...

This budget activity includes resources for Executive Direction and Control (which includes the Office of the Assistant Attorney General and the Administrative Management Section) and Address Administration.

Executive Direction and Control

LONG-RANGE GOAL: To efficiently and effectively coordinate the enforcement of federal civil rights laws; provide information to the public (subject to the provisions of the Freedom of Information Act and the Privacy Act); and provide administrative support for federal civil rights enforcement activities.

MAJOR OBJECTIVES:

- To coordinate the Division's enforcement activities with other components of the Department and other enforcement agencies.
- To participate in Departmental, Executive Branch and government-wide efforts to clarify or strengthen jurisdiction and authority, and to establish or improve policies governing litigation, administrative enforcement and program operation.
- To evaluate policies, procedures and systems; anticipate the workload, as well as resource and time expenditures of the programs; and, to develop and implement plans for changes which would render them more efficient, effective and responsive to constituent concerns.
- To establish and maintain relationships with public interest groups, members of Congress and other constituent representatives.
- To answer Freedom of Information Act (FOIA) requests within 10 days and Privacy Act (PA) requests within 20 days; minimize the number of appeals from denials of records requests by adhering to a standard of maximum disclosure permissible under controlling law; and, assist the Civil Division and U.S. Attorneys in defending the Department in litigation arising from denials of FOIA requests.
- To evaluate and incorporate new computing technology and assess how it can be incorporated to automate and facilitate the activities of the Civil Rights Division. This new technology includes office automation, case management and imaging.
- To review, analyze and respond to letters, memoranda and other communications directed to the Division by the White House, Congress, federal agencies, private corporations and citizens; and issue Criminal Non-Prosecution Notices to government entities, private sector organizations, and citizens, as appropriate.
- To provide general administrative support necessary to enable Division personnel to enforce federal civil rights laws, including: budget formulation and execution; financial and accounting services; personnel services and training; procurement; mail distribution; space management; and ADP support.

To deliver demographic and geographic data from the Census Bureau and other federal agencies to the end user in an easy-to-use format. A Geographic Information System is being used to deliver this service.

To continue enhancement of Litigation Support Services to provide technical, analytical and administrative resources in an efficient and effective manner to the various Division components.

BASE PROGRAM DESCRIPTION: This budget activity includes resources for executive and administrative direction and control of the Civil Rights Division as well as its responsibilities as a result of the Civil Liberties Act of 1986.

The Assistant Attorney General personally approves case filings, interventions and amicus participations; major investigative undertakings, enforcement motions and consent decrees; novel legal positions; and, closing of investigations of death cases. He also represents the Attorney General on interagency councils concerned with civil rights issues. In that connection, he serves as chair of the Interagency Coordinating Council and as a member of the Architectural and Transportation Barriers Compliance Board, both of which were established by the Rehabilitation Act of 1973, as amended. Supervisory responsibility over matters involving investigative and litigation strategy/relations with other components of the Department, other agencies, the Congress and some public interest groups; proclearance of changes in localities' voting practices and procedures; long-range program planning and evaluation; and, operation of the FOIA/PA unit is divided among the Deputy Assistant Attorneys General for action or oversight. Matters involving finance, personnel, and support services are assigned to the Executive Officer who conducts them through a centralized operation which is more efficient and cost effective yet provides greater management control.

The Division is committed to the effective use of Automated Data Processing (ADP) to develop and implement systems to increase productivity. Management and other key personnel have completed specially designed computer courses and are playing integral roles in developing litigation systems within their programs. Through the use of centralized shared information systems (MILCIS) and decentralized personal computers for task specific requirements, programs are able to address their substantive and administrative requirements promptly and appropriately, saving time and money. Increased litigation support is obligatory to compete with private counsel using the most efficient technology available.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments relating to the Division's office automation initiative, invoices processed for payment, and correspondence responded to are presented below:

	1993	1994	Estimate	1995
Litigation Support Projects.....	200	225	225	295
Litigation Support Reports.....	1,725	1,725	1,930	2,555
MILCIS Microcomputer Users.....	580	600	600	630
Requests for Assistance.....	1,350	1,450	1,450	1,600
Invoices Processed for Payment.....	5,100	5,120	6,000	6,000
Mail Inquiry Responses.....	60,500	63,415	100,000	80,000

The Program is experiencing its most productive year in delivering cost-efficient ADP systems to Division users and managers. Major accomplishments include:

Continued enhancement of the Geographic Information System (GIS) to aid in the processing of redistricting submissions from the 17 states covered by the Voting Rights Act. The GIS was designed to provide automated support for very time consuming tasks which were formerly processed manually. The GIS is a tool which provides the Voting Program with much more power, flexibility and ease of use in their enforcement of the Voting Rights Act. Data from the Federal Reserve Board to provide support to the Housing and Civil Enforcement Program's mortgage redlining initiative has been added. The system is currently being expanded to provide nationwide coverage for the Voting, Educational Opportunities and Housing and Civil Enforcement programs and for environmental justice.

Continued support and refinement of a Japanese-American Redress Verification Information System (JAVIS), a major database management system for use by the Office of Redress Administration in support of the Office of Redress Administration. The system is used in verification of eligibility for payment, tracking correspondence, generating form letters and making payments to eligible individuals.

Installation, training, maintenance and user support of the MICSUS office automation system. This system is comprised of many minicomputers networked together providing electronic mail, word processing, spreadsheet, database, and graphics capabilities and services to more than 600 users. This system also provides access to external research and legal databases such as LEXIS and NEXIS.

Continued support and refinement of the Submission Tracking and Processing System (STAPS), a major database management system used by the Voting Program to carry out its substantial information processing and information storage responsibilities in the review of voting changes in a more efficient, orderly and effective manner.

Continued refinement and enhancement of the Case Management System, another major database management system which is used by all the litigating programs in the Division in support of case tracking activities. The Case Management System was modified in 1994 to include case tracking and processing and reporting capabilities for the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Delivery of many smaller systems required by the various programs to provide management reports, test search and retrieval, document control, inventory control, case tracking, data conversion, etc.

FOI/PA Branch goals en/ressed earlier this year were to maintain the low point of the pending level of 139 pending requests reached in the first part of 1994 in spite of a significant increase in the annual amount of incoming requests (691) over the \$50 per year average. The FOI/PA Branch was unable to maintain the low pending level with incoming requests was 26% higher than the yearly average of incoming requests in the entire history of the FOI/PA Branch. These increases were anticipated and substantial amounts of overtime resources that were directed to countering the increase were not sufficient to prevent an increase in the Branch pending number to 208 FOI/PA requests by January of 1995. The FOI/PA Branch is committed to reducing the pending number of requests to 165 by mid-1995.

Redress Administration

LONG-RANGE GOAL: To provide payment to all eligible individuals who were evacuated, relocated or interned in the United States during World War II, as set forth in the Civil Liberties Act of 1988.

MAJOR OBJECTIVES:

- To disburse the remainder of the \$1.6 billion allotment to eligible individuals in 1995, which will represent total payments to 80,000 cases.
- To locate the remaining 5,000 individuals for whom OIA has historical records.
- To draft the proposed regulation to find those minor children eligible for redress who relocated to Japan during the war.

BACK-PROGRAM DESCRIPTION: The Civil Liberties Act of 1988 (P.L. 100-383) was signed by President Reagan on August 10, 1988. Under the Act, the Attorney General was assigned responsibility for Section 104 which provided that payments of \$20,000 each be made to eligible individuals of Japanese ancestry who were evacuated, relocated, or interned by the United States Government during World War II. To carry out these responsibilities, the Office of Redress Administration (OIA) was created within the Civil Rights Division.

ACTUALLY DISBURSED:

To date, OIA has disbursed over 99 percent of the \$1.6 billion available to eligible individuals, representing 75,515 cases.

ORA's success in the program is due in large part to the aggressive outreach efforts to the Japanese-American community. Attempts to contact individuals who may be eligible for redress have included several workshops in the Japanese-American community. In addition, ORA continues to monitor a helpline, and respond to approximately 40 pieces of correspondence each month from individuals inquiring about the status of their claim.

This outreach effort is also enhanced by a strong working relationship with the Japanese-American community leaders. Through quarterly updates and press releases, ORA keeps the community leaders apprised of the latest statistics and other pertinent information.

One of ORA's primary sources of potentially eligible individuals has been historical documentation from the internment camps. ORA is required by the Act to account for each of these individuals. In 1994, ORA reduced the number of unknown individuals from 12,100 to under 5,000.

In 1994, ORA completed review of three major evacuation areas in Hawaii, along with some smaller areas, and found about 330 Hawaii cases eligible for redress and about 250 cases ineligible. The remaining 200 cases will be completed in 1995.

ORA reviewed and reconsidered approximately 100 Arizona cases under a new standard of eligibility. This effort included drafting new follow-up letters and questions; reviewing and analyzing responses; and making final decisions regarding their eligibility for redress.

Civil Rights Division
Salaries and Expenses
Priority Ranking
Fiscal Year 1996

Program	Ranking
Voting	1
Civil Rights Prosecution	2
Public Access	3
Housing & Civil Enforcement	4
Educational Opportunities	5
Employment Litigation	6
Office of Special Counsel	7
Coordination and Review	8
Special Litigation	9
Federal Appellate Activity	10
Management and Administration	11

Civil Rights Division
Salaries and Expenses
Detail of Permanent Positions
Fiscal Years 1984 - 1986

Category	1984		1985		1986	
	Author- ized	Total Reim- bursable	Author- ized	Total Reim- bursable	Author- ized	Total Reim- bursable
Attorneys (905)	281	5	254	5	254	5
Paralegal Specialists (950)	85	...	85	...	85	...
Other Legal and Kindred (900-998)	10	...	10	...	10	...
Social Sciences, Economics and Kindred (100-199)	23	...	23	...	23	...
General Admin., Clerical and Office Services (300-399)	168	1	179	1	171	1
Accounting and Budget (500-599)	5	...	5	...	5	...
Information and Arts Group (1000-1099)	3	...	3	...	3	...
Mathematics and Statistics Group (1500-1599)	2	...	2	...	2	...
General Investigating (1801-1810)	4	...	4	...	4	...
Total	561	6	565	6	557	6
Washington	561	6	565	6	557	6

CIVIL RIGHTS DIVISION
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)

Collections by Source:	1993 Actual			1994 Estimate			1995 Request			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Complaint Adjudication												
Source of Reimbursement												
Bureau of Prisons.....			\$116			\$302			\$185			(\$117)
Immigration and Naturalization Service.....			191			148			215			67
Federal Bureau of Investigation.....			66			79			160			81
Drug Enforcement Administration.....			9			29			17			(12)
US Attorneys.....			98			64			16			(38)
US Marshal Service.....			50			31			87			66
Community Relations Service.....			10			4			1			(3)
US Trustee.....			15			6			3			(3)
Exec. Office for Immigration Rev. General Administration.....			2			0			0			0
Justice Management Division - General Legal Activities.....			18			19			3			(13)
Tax Division.....			0			0			0			0
Civil Division.....			0			0			0			0
Environment.....			6			2			2			0
US Parole Commission.....			0			0			0			0
Total.....	6 *	6 *	581	6 *	6 *	671	6 *	6 *	669	6 *	0	18

Goods or Services Provided:

To support salaries and administrative costs associated with the processing of Equal Employment Opportunity complaints by the Civil Rights Division's Complaint Adjudication Office.

* Positions and workyears cannot be isolated to individual activities.

CIVIL RIGHTS DIVISION
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)
(continued)

Coordination and Review		1983 Actual		1984 Estimate		1985 Request		Increase/Decrease	
Source of Reimbursement		Pos	WY	Pos	WY	Pos	WY	Pos	WY
Bureau of Prisons/NIC.....		0	0	0	0	0	0	0	0
Total		0	0	0	0	0	0	0	0

Goods or Services Provided

To provide assistance in the processing of discrimination complaints. To provide personnel support and printed material on the Office of Americans with Disabilities Act (ADA).

Asset Forfeiture Fund		1983 Actual		1984 Estimate		1985 Request		Increase/Decrease	
Source of Reimbursement		Pos	WY	Pos	WY	Pos	WY	Pos	WY
Asset Forfeiture		0	0	0	0	0	0	0	0
Total		0	0	0	0	0	0	0	0

Goods or Services Provided

To provide funds required to upgrade the Division's Geographic Information System (GIS)

CIVIL RIGHTS DIVISION
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)
(continued)

Miscellaneous Reimbursements Source of Reimbursement	1993 Actual		1994 Estimate		1995 Request		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Miscellaneous Reimbursements	0	0 \$0	0	0 \$113	0	0 \$57	0	0 (\$56)
Total	0	0 0	0	0 113	0	0 57	0	0 (\$56)

Goods or Services Provided:

To support costs associated with numerous minor reimbursements.

CIVIL RIGHTS DIVISION
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)
(continued)

Obligations by Program:														
Complaint Adjudication	6	6	\$551	6	6	\$671	6	6	\$609	0	0	0	0	\$18
Coordination and Review	0	0	125	0	0	0	0	0	0	0	0	0	0	\$0
Asset Forfeiture Fund	0	0	0	0	0	841	0	0	2,059	0	0	0	0	\$1,818
Miscellaneous Reimbursements	0	0	0	0	0	113	0	0	57	0	0	0	0	(\$56)
Total	6	6	706	6	6	1,625	6	6	3,405	0	0	0	0	1,780

Justification of Increase, Complaint Adjudication:

The reimbursements in the Complaint Adjudication Office are funding positions and programmatic costs. The 1995 estimate included an increase in costs associated with higher salary and benefit costs. The 1995 estimate also includes a projection of small, consistent growth.

Justification of Increase, Asset Forfeiture Fund:

The reimbursement increase in 1995 reflects the continuation of funding for the upgrade of the GIS system.

Justification of Decrease, Coordination and Review:

The reimbursement in the Coordination and Review program supported salary and administrative costs for the existing in the processing of complaints filed with the National Institute of Corrections against recipients of Federal assistance. The reduced funding from 1993 to 1994 reflects the elimination of the requirement for services.

Justification of Decrease, Miscellaneous:

The 1995 estimate reflects a reduction due to the termination of a personnel detail at the State Department

Civil Rights Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$119,426.....	1	1	1	1	1	1	...	...
Executive Level V, \$111,685.....	1	1	1	1	1	1	...	...
ES-5, \$115,400.....	1	1	1	1	1	1	...	...
ES-4, \$110,755.....	10	7	7	7	7	7	...	...
ES-3, \$105,100.....	1	2	2	2	2	2	...	...
ES-2, \$100,540.....	1	3	3	3	3	3	...	...
ES-1, \$95,985.....	1	2	2	2	2	2	...	...
GS/GM-15, \$71,664-\$93,166.....	136	154	154	154	156	156	2	2
GS/GM-14, \$60,926-\$78,200.....	74	78	78	78	78	78	-2	-2
GS/GM-13, \$51,557-\$67,021.....	57	48	48	48	45	45	-3	-3
GS-12, \$43,356-\$56,362.....	50	42	42	42	40	40	-2	-2
GS-11, \$36,174-\$47,026.....	70	63	63	63	60	60	-3	-3
GS-10, \$32,926-\$42,808.....	6	7	7	7	7	7	...	...
GS-9, \$29,888-\$38,869.....	37	37	37	37	37	37	...	...
GS-8, \$27,068-\$35,168.....	26	26	26	26	26	26	...	...
GS-7, \$24,441-\$31,770.....	69	69	69	69	70	70	1	1
GS-6, \$21,995-\$28,582.....	9	10	10	10	10	10	...	...
GS-5, \$19,732-\$25,656.....	9	9	9	9	9	9	...	...
GS-4, \$17,637-\$22,825.....	6	6	6	6	4	4	-1	-1
1996 pay increase.....	...	...	...	...	...	551	...	551
Total, appropriated positions.....	565	29,993	565	32,033	557	33,138	-8	1,105
Pay above stated annual rate.....	...	(107)	...	...	...	117	...	117
Lapses.....	-47	(2,360)	-26	(1,400)	-23	(1,160)	6	260
Savings due to lower pay scales for part of year.....	...	(318)	...	(117)	...	(127)	...	(101)
Net full-time permanent.....	518	27,218	537	30,516	534	31,978	-3	1,462
Other than permanent:								
Temporary employment.....	...	...	...	...	...	...	...	...
Other part-time and intermittent employment.....	50	2,166	35	1,993	35	1,993	...	...
Other personnel compensation:								
Overtime.....	4	280	4	180	4	182	...	12
Administratively uncontrollable overtime.....	...	...	...	...	...	...	...	...
Other compensation.....	...	254	...	280	...	280	...	...
Special personal services payments.....	...	...	25	80	...	80	...	65
Total, workyears and personnel compensation.....	572	29,918	576	33,004	573	34,543	-3	1,539
Average ES Salary.....		(\$105,493)		(\$106,286)		(\$109,476)		
Average GS/GM Salary.....		(\$64,530)		(\$66,265)		(\$67,876)		
Average GS/GM Grade.....		(12.8)		(12.8)		(12.9)		

(C-19)

Civil Rights Division
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1984 Actual		1985 Anticipated		1986 Request		Increase/Decrease Workyears Amount
	Workyears	Amount	Workyears	Amount	Workyears	Amount	
11.1 Full-time permanent	518	\$27,316	537	\$30,518	534	\$31,976	-3 \$1,462
11.3 Other than full-time permanent	80	2,188	35	1,883	35	1,883	0
11.5 Other personnel compensation	4	534	4	485	4	572	0 77
11.8 Special personal services payments .....	...	...	...	...	...	...	...
Total	572	29,916	576	33,004	573	34,543	-3 1,539
Reimbursable workyears:							
Full-time permanent	4	...	4	...	4	...	...
Other objects:							
12 Personnel benefits	6,835			6,780	7,287		508
13 Benefits for former personnel	180			88	134		65
21 Travel and transportation of persons	2,804			2,881	2,881		0
22 Transportation of things	280			210	215		5
23.1 GSA rent	6,008			8,421	9,874		453
23.2 Rental payments to others	84			38	41		3
23.3 Communications, utilities and miscellaneous							
Charges	1,728			1,982	1,889		77
24 Printing and reproduction	735			510	545		35
25 Other services	11,078			11,181	11,120		-61
26 Supplies and materials	578			110	876		16
31 Equipment	808			584	521		17
42 Insurance claims & indemnity	17			10	38		21
Total obligations	872	99,851	878	82,802	873	85,304	-5 2,702

Subsequent to OMB approval of the 1986 President's Budget appendix materials, updated information resulted in the revised 1984 actual amounts provided

INTERPOL U.S. NATIONAL CENTRAL BUREAUSalaries and Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's				1995			
	Budget Request		Reprogramming		Appropriation		Enacted	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
1. INTERPOL U.S. NATIONAL								
CENTRAL BUREAU	63	65 \$6,451	0	0 \$103	63	65	65	\$6,554

Reprogramming:

One - Time reprogramming of \$103,000 from the various CIL A components to fund an anticipated shortfall in GSA Rent resources.

Justification of Program and Performance
INTERPOL-U.S. National Central Bureau
Salaries and Expenses: 6INTOL

Long-Range Goal

To stem the growth of international crime by providing efficient communications, exchange of information, and coordination of investigations among the member countries of INTERPOL, the INTERPOL General Secretariat (headquarters), and law enforcement agencies within the United States.

Major Objectives

To provide timely responses to requests for information from domestic and foreign law enforcement agencies in accordance with the INTERPOL constitution and Department of Justice regulations and to coordinate investigations on their behalf.

To assist U.S. Federal, State and local law enforcement agencies by issuing INTERPOL notices on fugitives, drug suspects, missing persons, parental abductions, identification of deceased parties, financial criminals, significant modus operandi or case activities, and false identifications.

To represent the United States in the International Criminal Police Organization (INTERPOL).

To provide an international forum for law enforcement officers to use for the free change of ideas to fight crime globally through conferences, working parties and meetings.

Base Program Description

The INTERPOL-U.S. National Central Bureau is the United States' representative to the International Criminal Police Organization (INTERPOL). Created in 1923 to promote mutual assistance among the European community, the organization has grown from less than ten members to a world-wide consortium of 176 member countries.

A General Secretariat, currently headquartered in Lyons, France, serves as INTERPOL's administrator. Each country maintains a National Central Bureau (NCB) to act as its

INTERPOL liaison. Each NCB operates within the guidelines of its own national laws and the INTERPOL Constitution.

A General Assembly, comprised of delegates from each member country, is INTERPOL's governing authority and convenes annually to formulate policy and initiatives to address the escalating problem of international crime. Each member pays dues to the organization on a scale established by INTERPOL.

One of the primary responsibilities of the INTERPOL-USNCB is that of maintaining telecommunications channels with a host of domestic law enforcement agencies, the NCBs of the other 176 INTERPOL member countries, and the INTERPOL General Secretariat. Within the United States, communications are maintained with domestic law enforcement agencies through the National Law Enforcement Telecommunications Systems (NLETS), and with INTERPOL member countries through a direct link to the INTERPOL telecommunications network centralized at INTERPOL headquarters. A new state-of-the-art X.400 telecommunications system has recently been implemented within INTERPOL Headquarters and several regional modernization projects are designed to implement rapid and secure telecommunication facilities in developing countries.

As a law enforcement conduit, the INTERPOL-USNCB receives requests for information covering a broad range of criminal offenses including murder, robbery, large-scale narcotics violations, financial fraud, counterfeit investigations, and the location and apprehension of international fugitives, often leading to extradition. Requests for information also relate to criminal history backgrounds, license checks and humanitarian efforts. Foreign and domestic police organizations also use INTERPOL-USNCB resources to trace weapons and locate witnesses.

A major program of the USNCB is the U.S./Canadian Interface which provides direct on-line access to Canadian wanted person, stolen vehicle, vehicle registration, drivers license and criminal history files. During fiscal year 1994, U.S. law enforcement officers made approximately 347,000 queries against the Canadian wanted person and stolen vehicle/property files resulting in over 19,000 "hits". During the same period, U.S. Authorities made over 304,000 queries against Canada's Criminal Name Index (CNI) resulting in over 158,000 "hits". This information is extremely valuable not only from a standpoint of criminal investigations but also for officer safety, since possible wanted person information is provided when an officer requests a license check.

Investigative functions are maintained through the collaborative efforts of 14 participating Federal law enforcement agencies that assign agents to the INTERPOL-USNCB at

no cost to the USNCB. This multi-agency participation in the INTERPOL-USNCB program fosters interagency cooperation in addressing law enforcement matters and provides a means of avoiding duplication of programs and initiatives.

Factors affecting Program Performance: Accomplishments of the program are presented in the following table:

Item	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
1. Incoming requests				
a. Actual	55,523	65,836	---	---
b. Planned	58,765	62,000	70,000	75,000
2. Canadian Interface				
a. Canadian Requests	649,748	777,284	895,000	1,030,000
b. U.S. Request to Canada	728,327	825,363	950,000	1,100,000
Total	1,448,075	1,602,652	1,845,000	2,130,000
3. Case Closing:				
a. Actual	7,801	7,054	---	---
b. Planned	9,195	7,200	8,100	9,300

	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
4. Case Opening:				
a. Actual	7,217	8,883	---	---
b. Planned	8,153	8,800	10,200	11,700
5. Other Actionable Requests:				
a. Actual	6,238	4,271	---	---
b. Planned	6,200	4,100	1,300	1,300

Explanation: The increase in case openings is anticipated based upon a change in the USNCB's case management system as well as an anticipated increase in cases. Requests that were previously considered "Actionable Requests" and placed in a masterfile, will now be given individual case numbers and therefore be counted in the case openings. This will result in a decrease of the actionable requests. The overall total of requests (case openings and actionable requests) would remain the same.

	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
6. U.S. Red Notices Issued				
a. Actual	574	638	---	---
b. Planned	109	600	750	860

Program Change Narrative
UNITED STATES NATIONAL CENTRAL BUREAU
(Dollars in thousands)

	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Interpol-USNCB.....	62	\$6,702	62	\$6,641	0	0 (\$61)

Program Changes: The USNCB will absorb the \$61,000.00 fiscal 1996 pay raise by curtailing acquisition of furniture and training.

INTERPOL—U.S. NATIONAL CENTRAL BUREAU
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Enacted		1995 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	63	\$2,306	63	\$2,369	62	\$2,835	..	\$166
11.3 Other than full-time permanent.....	2	79	2	101	2	108	..	7
11.5 Other personnel compensation.....	0	113	0	139	0	149	0	10
11.8 Special personal services payments.....	0	0	0	0	0	0	0	0
Total.....	65	2,498	65	2,609	64	2,792	(1)	183
Reimbursable workyears:								
Full-time permanent.....	0	0	0	0	0	0	0	0
Other than permanent.....	0	0	0	0	0	0	0	0
12 Personnel benefits.....	511		526		545		10	
13 Benefits to former personnel.....	2		7		2		2	(5)
21 Travel and transportation of persons.....	175		159		159		0	
22 Transportation of things.....	2		1		1		0	
23.1 GSA rent.....	795		845		877		32	
23.2 Rental payments to others.....	50		38		39		1	
23.3 Communications, utilities and miscellaneous charges.....	635		374		376		2	
24 Printing and reproduction.....	7		9		6		(3)	
25 Other services.....	446		486		401		(85)	
26 Supplies and materials.....	86		68		70		2	
31 Equipment.....	266		240		197		(43)	
32 Land and structures.....	0		0		0		0	
41 Dues.....	849		1,192		1,178		(16)	
43 Interest and dividends.....	0		0		0		0	
44 Refunds.....	0		0		0		0	
91 Unencumbered.....	0		0		0		0	
Total obligations.....	65	6,324	65	6,554	64	6,641	(1)	87

The 1995 estimate of obligations differ from that shown in the President's budget appendix due to erroneous calculation of carryover

INTERPOL - U.S. NATIONAL CENTRAL BUREAU
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996	
			Streaming Decrease	Total
General Administration (300-399)	56	57	(1)	56
Accounting and Budget (500-599)	2	3	0	3
Information and Arts (1000-1099)	3	3	0	3
Other Miscellaneous	1	0	0	0
Total	64	63	(1)	62
Washington	64	63	(1)	62
U.S. Field	0	0	0	0
Foreign Field	0	0	0	0
Total	64	63	(1)	62

Department of Justice
Independent Counsel
Estimates for Fiscal Year 1996
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Legal Activities Office Automation
Salaries and expenses, General Legal Activities
Crosswalk of 1995 Changes
(Dollars in thousands)

	1995 President's Budget Request Pos MY Amount	Congressional Actions on 1995 Request Pos MY Amount	1995 as enacted Pos MY Amount
Legal Activities Office Automation .....	... .. \$22,609	... ..	... .. \$22,609

Congressional Appropriations Action: The Congress approved the President's 1995 Budget Request as submitted.

Summary of Requirements
(Dollars in thousands)

<u>Perm. Work- Pos. years</u>	<u>Amount</u>
... ..	\$22,609
... ..	<u>2</u>
... ..	22,618

1995 as enacted
Mandatory Increase:
GSA rent
1996 base

1995 Appropriation	
Pos	NY Amount

<u>1996 Base</u>	
<u>Pos</u>	<u>MY Amount</u>

1996 Estimate
Pos **WY** **Amount**

	Pos	WY	Amount
Increase/Decrease			

**Legal Activities
Office Automation**

... .. \$22,609

... .. \$22,618

... .. \$22,618

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Legal Activities Office Automation
Salaries and expenses, General Legal Activities
Justification of program and performance
Activity Resource Summary
(Dollars in thousands)

Activity: Office Automation	1975 Appropriation		1976 Base		1976 Estimate		Increase/Decrease	
	Perm.	Pos. WX Amount	Perm.	Pos. WX Amount	Perm.	Pos. WX Amount	Pos. WX Amount	Perm.
Legal Activities								
Office Automation	\$22,609	...	\$22,618	...	\$22,618	...	...

Long-Range Goal: To improve the productivity of the Department's legal activities through the application of office automation technology.

Major Objectives:

To install automated systems that will satisfy the essential document production, data management, and communications requirements of the Department's litigating components, within terms defined by the Department's senior management.

To establish cost-effective standards for the electronic exchange of documents and messages among Departmental organizations and to connect Departmental litigating components to other Federal agencies and the public.

To institutionalize the planning and acquisition processes for office automation resources so as to:

- Build on the installed base of office automation systems in the litigating organizations;
- Build cooperative processing systems wherever possible;
- Ensure installation of compatible hardware and software; and
- Move office automation and computing systems toward U.S. and international standards.

Base Program Description: In 1986, the Deputy Attorney General directed that the Department develop a comprehensive policy and strategy for the design and acquisition of automated systems for the six legal divisions, the U.S. Attorneys, and senior management. The objective was to achieve management efficiencies and productivity gains in office automation systems and to move the Department toward a more coordinated and unified approach to these systems.

Since 1986, the Department has developed and implemented a series of project plans for carrying out the Deputy Attorney General's direction. Beginning with the AMICUS system in 1986 and the EAGLE system in 1989, the Department began to implement coordinated office automation systems throughout the litigating organizations, except for the Antitrust Division. The Department is now pursuing the final coordinating step in the overall plan through a major acquisition which is expected to commence implementation before the end of 1995.

The Justice Consolidated Office Network (JCON) acquisition has been structured as two types contracts to promote competition and to yield the best possible combination of pricing and technical excellence for the Government. A Systems Integration (SI) contract will cover hardware, software, design and engineering services, facilities management services, installation, maintenance, and training. This contract will specify the overall architecture for the next generation of legal office automation systems in the Department, including providing guarantees of operation with the current systems. Personal computers, printers, and other "commodity" items are expressly excluded from the JCON SI contract, leaving these commodity items to be acquired through one or more separate contracts with short life cycles (two or three years). In this way, the commodity items will be routinely subjected to market competition, resulting in lower prices for the Department.

For 1996, no additional resources are requested for this activity. At the current level, resources are sufficient to meet established objectives.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goals:

In addition to supporting the maintenance of the existing office automation systems in the legal activities--EAGLE, AMICUS and the Antitrust Division system--and the JCON acquisition project, this activity is aiming, in the current year, to upgrade existing hardware and software to position the legal activities for the rapid implementation of JCON.

For 1996, the Department intends to begin implementing JCON in the participating organizations according to a schedule adopted by those organizations in the JCON planning process.

Annual Performance Indicators:

The achievement of 1995 performance goals will be indicated by the continued successful operation of the existing office automation systems, the award of a JCON contract so as to permit the contractor to begin the installation of JCON early in 1996, and the procurement of hardware and software upgrades in the participating organizations to allow rapid implementation of JCON.

The JCON implementation schedule adopted by the participating organization calls for the implementation of JCON at approximately 5,856 workstations, out of an estimated requirement of 16,521 workstations. Success will be measured by the extent to which we accomplish this objective.

Factors Affecting Program Performance:

The goal of awarding a JCON contract in 1995 will be affected by the ease with which we are able to establish the winner of the competition for the contract and avoid such procedural defects as might cause the awardees performance to be stalled by protests from the losing offerors. The competition for this contract has been intense and selecting a contractor will be a difficult and complicated process.

Assuming the JCON award is finalized in 1995, JCON implementation will depend on many factors, including the extent to which the affected components are ready to implement JCON and the availability of funds from their separate accounts to support the implementation of JCON. It is important to understand that this activity provides funds to support coordinated development of office automation systems for the legal activities, but it does not contain sufficient funds to finance JCON implementation by itself. Each organization will have to contribute substantial resources to the successful implementation of JCON; their capacity to do so will affect implementation plans.

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Estimates for Fiscal Year 1996
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Department of Justice
Violent Crime Reduction Programs, General Legal Activities
 Summary Statement
 Fiscal Year 1996

Stepped up deportation of the Federally and State-incarcerated aliens that are eligible for expulsion from the United States is a major initiative funded by the Violent Crime Control and Law Enforcement Act of 1994. The Act significantly expands the capacity of the immigration adjudications pipeline by: (1) adding 100 new Immigration Judges; (2) increasing the Board of Immigration Appeals' (BIA) staff by 67 positions; and (3) providing the Civil Division's Office of Immigration Litigation (OIL) with 58 positions to defend the hundreds of additional deportation cases that are expected to be appealed to the Federal courts.

Over the past three years, the fastest growing area of OIL's caseload has been "removal" cases -- appellate level challenges to orders of exclusion, deportation or detention. In 1991, the Office handled 977 such cases. By 1994 its docket included 1,819 challenges -- an 86 percent increase. If previous trends hold, and assuming it is reasonable to relate the number of new Federal court immigration cases to the number of Immigration Judges, the addition of 100 new Immigration Judges over the next two years will generate a caseload of almost 3,400 challenges for handling by OIL in 1996. This projection understates the full impact of Violent Crime Reduction resources to the extent that there will be a lag in the time it takes to hire personnel, perform the additional hearings and schedule the trials. Accordingly, the Civil Division anticipates that the number of new removal cases will continue to increase sharply through 1999. The Civil Division will monitor case receipts closely and adjust its projections as it becomes necessary.

The resources provided by the Act will assist OIL in keeping pace with the additional workload generated by the new Immigration Judges -- and should ultimately contribute to a significant increase in the number of deportable aliens facing expulsion from the United States.

The Civil Division is requesting 58 positions, 58 workyears and \$7,591,000 for 1996.

Department of Justice
Violent Crime Reduction Program, General Legal Activities
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimate includes proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Program, General Legal Activities

[In addition to resources otherwise made available in the Act for "Salaries and Expenses, General Legal Activities", \$4,600,000 for necessary expenses of the Civil Division associated with the President's Immigration Initiative, of which not to exceed \$1,500,000 shall remain available until expended.] For the expeditious deportation of denied asylum applicants, as authorized by section 120005 of Public Law 102-322, \$7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund. (Violent Crime Control and Enforcement Act, 1992.)

Explanation of changes:

No substantive changes proposed.

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program 4. Claims, customs, and general civil matters:	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Reprogramming		1995 As Enacted	
	Pos.	NY Amt.	Pos.	NY Amt.	Pos.	NY Amt.	Pos.	NY Amt.
Federal Appellate Activity.....	...	...	...	...	...	...	...	...
Torts Litigation.....	...	...	...	...	...	...	...	...
Commercial Litigation.....	...	...	...	...	...	...	...	...
Federal Programs.....	...	...	...	...	...	...	...	...
Consumer Litigation.....	...	...	...	...	...	...	...	...
Immigration Litigation.....	58	31 \$4,679	...	...	...	...	58	31 \$4,600
Management and Administration.....	...	...	...	...	...	...	...	...
Total.....	58	31 4,679	...	...	...	...	58	31 4,600

Congressional Appropriation Actions. Congress did not approve \$79,000 of the amount requested from the Violent Crime Reduction Trust Fund.

Note: The Civil Division is the only organization within the General Legal Activities appropriation receiving funding from the Violent Crime Reduction Trust Fund.

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Adjustments to base:				
1995 As Enacted	58	31	58	\$4,600
Mandatory increases:				
1996 pay raise	...	...	...	4
Annualization of 1995 pay raise (3.3%)	...	...	...	18
Annualization of VORR positions	...	...	...	27
\$80 required "buyout" payment to ORH	...	...	...	2,916
General pricing level adjustments	...	...	...	2
Total mandatory increases	...	...	...	51
1996 Base	58	27	58	7,591

	1994 As Enacted	1994 Actual	1995 As Enacted	1996 Base	1996 Estimate	Increase/Decrease
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Estimates by						
Budget activity						
4. Claims, customs, and	58	31	58	\$7,591
general civil matters:

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1994 As Practiced		1994 Actual		1995 As Practiced		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Federal Appellate Activity.....
Torts Litigation.....
Commercial Litigation..
Federal Programs.....
Consumer Litigation....
Immigration Litigation..	58	31	58	58	58	58	...	...
Management and Administration.....
Total.....	58	31	58	58	58	58	...	...
Reimbursable Workyears..
Total Workyears.....	31	...	58	...	58	...	...
Other Workyears:
Holiday.....
Overtime.....
Total compensable workyears.....	31	...	58	...	58	...	...

	1995 As Enacted		1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
Immigration Litigation	58	31	\$4,600	58	\$7,591	58	\$7,591	...

BASE PROGRAM DESCRIPTION: Stepped up deportation of the Federally and State-Incarcerated aliens that are eligible for expulsion from the United States is a major initiative funded by the Violent Crime Control and Law Enforcement Act of 1994. The Act significantly expands the capacity of the Immigration adjudications Pipeline by: (1) adding 100 new Immigration Judges; (2) increasing the Board of Immigration Appeals' (BIA) staff by 67 positions; and (3) providing the Civil Division's Office of Immigration Litigation (OIL) with 58 positions to defend the hundreds of additional deportation cases that are expected to be appealed to the Federal courts.

Deportations are administrative hearings, the outcomes of which often are contested in court. In conjunction with the Immigration and Naturalization Service (INS) and Federal and State correctional systems, the Executive Office for Immigration Review (EOIR) provides civil Immigration hearings to aliens serving criminal sentences prior to their release from custody through the Institutional Hearing Program (IHP). Jurisdiction vests with the Immigration Judge at the time that INS files a charging document. Once jurisdiction vests, an IHP case is assigned to an Immigration Judge on a priority basis. If a criminal alien receives a deportation order, the case can be appealed to the BIA. According to EOIR, approximately 10 percent of criminal aliens who are issued deportations from an Immigration Judge appeal their cases to the BIA. BIA decisions are reviewed by petition to the courts of appeals; OIL handles the vast majority of the deportation cases that pursue further action in the courts, while the United States Attorneys Offices litigate the remainder.

Over the past three years, the fastest growing area of OIL's caseload has been 'removal' cases -- appellate level challenges to orders of exclusion, deportation or detention. In 1991, the Office handled 977 such cases. By 1994 its docket included 1,819 challenges -- an 86 percent increase. If previous trends hold, and assuming it is reasonable to relate the number of new Federal court Immigration cases to the number of Immigration Judges, the addition of 100 new Immigration Judges over the next two years will generate a caseload of almost 3,400 challenges for handling by OIL in 1996. This projection underestimates the full impact of Violent Crime Reduction resources to the extent that there will be a lag in the time it takes to hire personnel, perform the additional hearings and schedule the trials. Accordingly, the Civil Division anticipates that the number of new removal cases will continue to increase sharply through 1999. The Civil Division will monitor case receipts closely and adjust its projections as it becomes necessary.

The resources provided by the Act will assist OIL in keeping pace with the additional workload generated by the new Immigration Judges -- and should ultimately contribute to a significant increase in the number of deportable aliens facing expulsion from the United States.

ACCOMPLISHMENTS AND WORKLOAD:

Because it is not possible to positively distinguish cases resulting from the dedication of Violent Crime Reduction resources from removal cases otherwise received, the Civil Division cannot present workload figures specific to the Violent

Crime Reduction Trust Fund. However, because most new cases resulting from the additional resources will be appellate level challenges to orders of exclusion, deportation or detention, it is most instructive to refer to the workload figures below when evaluating the workload to which the new resources will be applied. The following workload figures are a subset of OIL's overall workload, which is presented in the Civil Division's budget on page D-29.

Item	Estimates			
	1993	1994	1995	1996
Appellate Challenges to Orders of Exclusion, Deportation or Detention				
Pending Beginning of Year	738	792	737	1,073
Received During Year	1,026	1,027	1,547	2,320
Terminated During Year	972	1,082	1,211	1,966
Pending End of Year	792	737	1,073	1,427
Authorized for Litigation by U.S. Attorneys	164	127	180	225

Specific examples of the Civil Division's accomplishments in implementing the Violent Crime Reduction and Law Enforcement Act follow:

Over the past several months, the Civil Division made great strides in preparing for the arrival of 58 additional staff. Recruitment and hiring of attorneys and support staff is well under way, on an expedited basis. Nine new staff are already on board and a total of 40 are expected to be in place by the end of 1995. By the second quarter of 1996, all 58 new staff (41 attorneys and 17 support staff) will be on board.

In order to accommodate the additional staff, the Civil Division negotiated leases for and began constructing facilities within the National Place Building, the current home of OIL. Availability of the new space will occur in three stages: (1) On January 15, 1995, the first group of nine employees began occupying 1,835 square feet of office space on the building's 9th floor. The space is fully furnished and equipped with telecommunications and office automation services; (2) the Civil Division has begun building-out 8,625 square feet of space on the 7th floor. This space will be ready the first week of April and will accommodate another 28 employees; and (3) later in 1995, another 4,000 square feet of space will be ready for occupancy by the remaining 21 new employees.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Immigration Litigation	58	\$7,591	58	\$7,591	...	...

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized ¹	1996	
			Program Increases	Total
Attorneys (905)	41	...	41
Paralegal Specialists (950)	4	...	4
Gen. Admin. Clerical and Office Services (300-399)	13	...	13
Total	58	...	58
Washington	58	...	58
U.S. Field
Foreign Field
Total	58	...	58

¹ Due to the special circumstances involving this appropriation, all employees should be hired under term appointments. For reporting purposes, these positions have been included in this chart.

Department of Justice
Violent Crime Reduction Program: General Legal Activities
Justification of Adjustment to Base
 (Dollars in thousands)

Amount

\$ 4

Mandatory Increases:

\$ 4

1. 1996 pay raise.....
 This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$4,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$3,000 pay and \$1,000 benefits = \$4,000).

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2. Annualization and increase of 1995 pay raise.....
 This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1995 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$14,000 for pay and \$4,000 for benefits).

2,916

3. Annualization of 58 additional positions approved in 1995.....
 This provides for the annualization of 27 additional positions approved in the 1995 Appropriations Act for Violent Crime Reduction Programs.

	Approved 1995 Increases	Annualization Required
Annual salary rate of 58 approved positions	\$ 2,539	\$ 1,815
Less lapse (461)	-	-
Net compensation	724	1,815
Associated employee benefits Other (non-personnel)	219	563
Travel	35	121
Trans. of Things	4	7
CSA Rent	339	120
Communications/Utilities	71	59
Printing/Reproduction	22	52
Other Services	2,849	143
Supplies/Materials	16	36
Equipment	321	0
Total costs subject to annualization	4,600	2,916

	Amount
4. \$80 supplemental retirement contributions.....	\$ 2
For FY 1995 to 1996, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FRS retirement systems. The requested increase of \$2,000 provides for this contribution.	
5. General pricing level adjustments.....	51
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	
Total mandatory increases.....	2,991

Department of Justice
Violent Crime Reduction Programs, General Legal Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$
ES-5, \$
ES-4, \$
ES-3, \$
ES-2, \$
ES-1, \$
GS/GM-15, \$
GS/GM-14, \$	1	...	1	...	...	...
GS/GM-13, \$	1	...	7	...	6	...
GS-12, \$	1	...	9	...	8	...
GS-11, \$	1	...	5	...	4	...
GS-10, \$
GS-9, \$
GS-8, \$
GS-7, \$
GS-6, \$
GS-5, \$	2	...	2	...	...	...
GS-4, \$
GS-3, \$
GS-2, \$
Total, appropriated positions ²	6	223	24	1,183	18	960
Pay above stated annual rates	...	(...)	(...)	(...)	(1)	(49)	(1)	(49)
Lapses
Savings due to lower scales for part of year	6	223	23	1,134	17	911
Net full-time permanent

² This reflects full-time permanent positions. The remaining positions should be filled with term appointments.

	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other than permanent:
Part-time permanent
Temporary employment	25	482	35	1,403	10	921
Other personnel compensation:
Overtime	5	...	5	...	...
Other Compensation	14	...	14	...	...
Special personal services payments
Total, workyears and personnel compensation	31	724	58	2,556	27	1,832
Average ES Salary	(\$...)	...	(\$...)	...	(\$...)	...	(\$...)
Average GS/GM Salary	(\$...)	...	(\$ 37,167)	...	(\$ 49,304)	...	(\$ 49,304)

Department of Justice
Violent Crime Reduction Programs: General Local Activities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

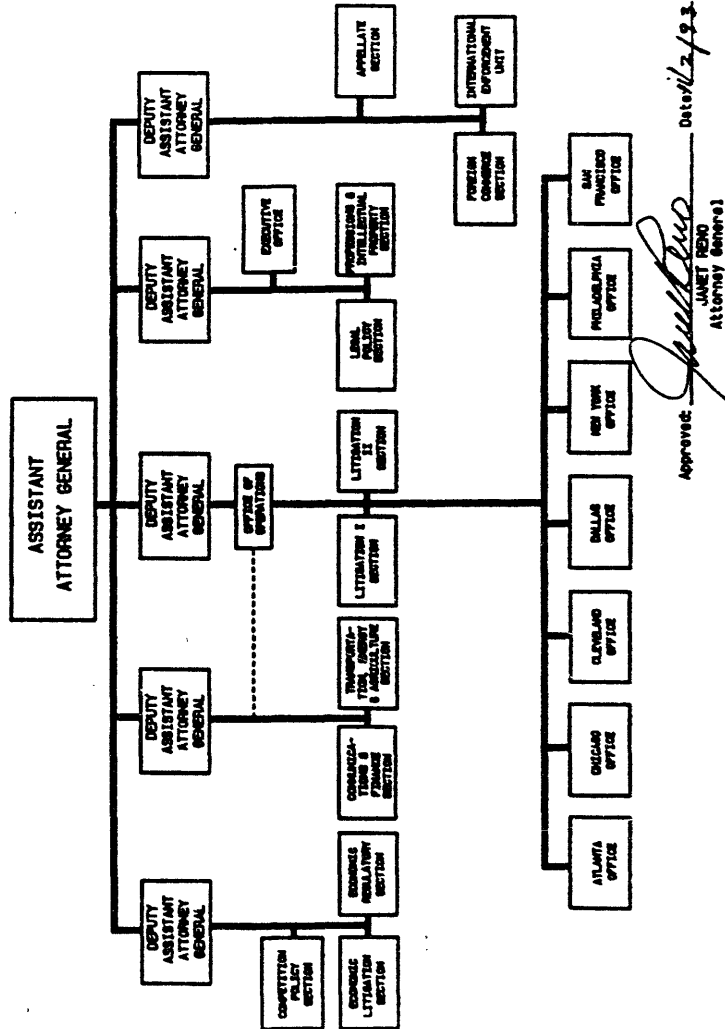
Object Class	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent.....	6	\$223	23	\$1,134	17	\$911
11.2 Other than full-time permanent.....	25	482	35	1,403	10	921
11.5 Other personnel compensation.....	19	...	19	...	...
11.8 Special personal services payments.....
Total.....	31	724	58	2,556	27	1,832
Reimbursable workyears:								
Other than permanent.....	(...)	...	(...)	...	(...)	...	(...)	...
Other objects:								
12 Personnel benefits.....	219	...	...	787	...	568
13 Benefits to former personnel.....
21 Travel and transportation of persons.....	35	...	...	172	...	137
22 Transportation of things.....	4	...	...	11	...	7
23.1 GSA rent.....	339	...	...	459	...	120
23.2 Rental payments to other.....
23.3 Communications, utilities, and miscellaneous charges.....	71	...	...	131	...	60
24 Printing and reproduction.....	22	...	...	74	...	52
25 Other services.....	2,849	...	...	3,009	...	160
26 Supplies and materials.....	16	...	...	53	...	37
31 Equipment.....	321	...	...	339	...	18
42 Insurance Claims & Indemnities.....
Total obligations.....	31	4,600	58	7,591	27	2,991
Relation of obligations to outlays:								
Obligated balance, start-of-year.....	598	...	...
Obligated balance, end-of-year.....	(...)	...	(598)	...	...	(1,079)	...	...
Adjustments in expired accounts.....
Outlays.....	4,002	...	7,110	...	...

³ Subsequent to OMB approval of the 1996 President's Budget appendix materials, updated information resulted in revisions to the 1995 and 1996 estimates for the distribution of funds by object class.

Department of Justice
Antitrust Division
Budget Request for Fiscal Year 1995
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ANTITRUST DIVISION



Approved: *[Signature]* Date: 12/19/93
 JAMES BOND
 Attorney General

**Antitrust Division
Budget Request for Fiscal Year 1995
Summary Statement**

Simply stated, the mission of the Antitrust Division is to protect competition and consumers in increasingly international and technology-driven markets through sound and reasoned enforcement of the antitrust laws. This is a tremendous responsibility and one that affects American competitiveness over a wide spectrum, from ensuring a level playing field for U.S. businesses both nationally and internationally, to ensuring that retailers do not inappropriately set prices on consumer goods.

To carry out the Division's mission, we have undertaken major initiatives in the past year in the areas of mergers, criminal enforcement, civil conduct, international enforcement and certain specific industries, including health care and telecommunications. The Division's record in the past year, as outlined in our fiscal year 1995 budget submission, is impressive, but it is only a beginning. Additional resources are required in 1995 in order to continue the Division's drive to maintain antitrust enforcement in the United States to the benefit of American consumers and businesses.

In addition to major antitrust enforcement initiatives, the Division has devoted itself in the past year to ensuring that streamlining and restructuring have been pursued in order to provide for the maximum use of our existing resources. As the direct result of these efforts, we have been able to reorganize and realign our workload to step up substantially our enforcement programs and concentrate on improving our ability to litigate cases. The Division continues its aggressive pursuit of streamlining initiatives and efficiency enhancing improvements to ensure that we are operating as effectively as possible and making maximum use of the Division's resources.

Antitrust enforcement in the United States has, during the past year, advanced substantially. As evidenced by the Division's successes in the Microsoft and AT&T/McCaw matters, civil conduct is a major priority within the Division, with over 250 investigations opened in 1994. Additionally, the Division has placed increasing emphasis on international issues, including case development, international trade, and coordination with foreign competition authorities, so critical to promoting and maintaining the viability of American firms in a fair and equitable international market. Moreover, the Division also has and will continue to place significant priority on the areas of telecommunications, health care, defense realignment, intellectual property, and "high tech industries" among others.

In the mergers area, the Division's staff is pressed hard to keep up with the large number of major mergers being proposed (e.g., British Telecom/MCI, TCI/Liberty, Westinghouse/Eaton, Chipotle/Mexico, Goldman Sachs/National Tyre to name but a few). We have, however, in the past year challenged the highest number of transactions since the Division began collecting these statistics in 1981, and due to more aggressive discovery, review and analysis, we have been able successfully to resolve virtually all of the merger investigations that we have pursued.

The Division's merger workload is high and continuing to increase. Premierer litigs have increased at a rate of 25 percent per year, and merger investigations continue unabated, trends that the Division and market observers expect to continue. As reported in the *Wall Street Journal* on August 4, 1994, "No one thinks the current tide will be stemmed anytime soon. The regulatory pressures driving consolidation in industries such as banking, health care, and telecommunications have been present for some time. The only mitigating factor was economic recovery..." As also reported in the *Journal* on July 28, 1994, "...the value of mergers and transactions has jumped 35 percent in the second quarter of 1994; the number of transactions has increased by 18 percent. Huge deals involving \$1 billion or more showed a sharp gain in the first half; there were 16 \$1 billion plus transactions, compared with 6 a year earlier; there were 135 transactions valued at \$10 million, compared to 94 a year ago."

The complexity of merger analysis is increasing dramatically and the nature and type of proposed mergers also is changing. Increasingly, we are encountering mergers involving much larger companies, more high tech industries (often categorized by rapid technological change), industries subject to complex and often changing regulatory conditions, and multi-national companies. According to the *Wall Street Journal*, (July 28, 1994), "...transactions between U.S. and foreign companies made up 20 percent of total mergers in the past year." Mergers with international aspects require more effort in both discovery and analysis, and the thorough examination of proposed transactions is critical to assuring a competitive environment working to the benefit of U.S. consumers. Investigations of alliances in the telecommunications and health care areas, so critical to the maintenance of competition in these areas, also require the dedication of substantial resources, as do matters involving the realignment of the firms involved in the defense industry. The Division needs additional resources with which to respond adequately to the increasing numbers, investigatory workload and complexity of the proposed mergers that we are tasked to review and challenge if found to be anticompetitive.

Civil non-market investigations also are increasing at a phenomenal rate, with a 300 percent increase in the past year, and a 300 percent increase in the number of monopolization investigations (often the most complex and resource demanding matters handled by the Division). In addition, the Division has seen an increase in the number of civil subpoenas issued, consistent with the increased vigor required to pursue these investigations through successful settlement or litigation.

In the criminal area, we have increasingly prioritized the investigation of national and international price-fixing conspiracies and other cartels with substantial consumer impact. To make the best use of combined federal-state resources, we have continued and expanded our cooperation with state antitrust enforcers, and that increased cooperation has allowed us more effectively to coordinate investigations of activities affecting local or regional commerce. The grand juries being pursued by the Division are more significant, against bigger companies. Increasingly have international implications, and involve more overall dollars of commerce, with more resulting enforcement impact per dollar of Division expenditure. These investigations require much larger discovery and case review requirements and, when combined with the increasing obstruction charges that we are being forced to bring, are requiring the dedication of a significant Division workforce in order to adequately protect markets from anticompetitive practices.

The economic benefits to consumers and U.S. businesses as a result of the Division's actions are substantial, with the following matters serving only as examples of the wide range of matters being pursued by the Division:

- As a result of the Microsoft investigation, rival operating systems will have a fair chance to compete in this high technology market; innovation will be spurred; consumer choice enhanced; and the price of personal computers lowered.
- In the Division's Pilkington matter, a 30 year exclusionary practice by a British firm that effectively excluded U.S. firms from markets has ended allowing U.S. firms to now actively compete, opening up their exports of goods and services by \$150 million to \$125 billion over the next few years.
- The Division's settlement in the Airline Tariff Publishing case, which involved eight major airlines, ended a practice by the airlines which cost consumers more than \$1 billion between 1988 and 1992.
- After a two year combined effort between the United States and Canadian antitrust investigators, a \$120 million a year international cartel in the fax paper market was broken up. In addition to collecting fines of more than \$8 million, this investigation ended a practice that raised thermal fax paper prices by approximately 10 percent, a cost absorbed primarily by small businesses and home fax users.
- In an investigation of anticompetitive learning arrangements between contractors bidding on Department of Defense procurements, the Division won a settlement including a payment of a \$4 million fine and a reduction in the contract price of approximately \$8 million to the benefit to DOD and the American public.

These cases, as with others that produce major economic impact, require a tremendous resource commitment. A failure to commit the necessary resources protracts investigations, creates inefficiencies, and deprives consumers and businesses of prompt relief from anticompetitive practices. As a result, the economic benefits of full staffing of these antitrust cases far exceed the modest budgeting costs required.

It is essential to consumer and business welfare that antitrust vigilance be maintained at the Federal level. The United States' domestic market is increasingly intertwined with the global economy, and American companies competing in both domestic and world markets have significant foreign competitors. American must take a global view of its free market system. Antitrust enforcement analyses require complex and detailed reviews of organizations operating outside U.S. boundaries, as well as foreign organizations operating within the United States. The increasing complexity and internationalization of our economy makes increased antitrust scrutiny absolutely critical.

Taking into account the essential need for additional resources for the Antitrust Division in fiscal year 1996, and the need to assist in control of the Federal deficit, the Antitrust Division requests a REVENUE NEUTRAL PROGRAM INCREASE in 1996 that will provide for a total of 864 positions, 634 workyears and \$91,345,000. This request is composed of an appropriation of 204 positions, 391 workyears and \$43,783,000 from direct funding; and 460 positions, 443 workyears and \$48,262,000 derived from premerger filing fees in 1996. This REVENUE NEUTRAL increase is due to the Herfindahl-Hirschman premerger filing fee having been raised to \$45,000 last year and the projected collection of 2,148 filings in 1996 (consistent with 1994 actual figures). The combination of both the increase in the HHI fee and the higher number of filings will provide the Antitrust Division with

\$8,320,000 in REVENUE NEUTRAL income with which to expand its enforcement efforts and make more efficient use of private sector resources in areas of litigation support. This will allow the Division to continue to focus its resources on its core activities of investigation and litigation and meet the demands of the Division's rapidly expanding workload. In addition, requested funds will assist in advancing the Division's document and information management programs and allow for the more efficient and effective processing of the tremendous volume of data that this Division must handle daily. With these additional resources, the Division will be able more adequately to address the increasing numbers, complexity and internationalization of business transactions that must be reviewed so that a level playing field is maintained for U.S. businesses both nationally and internationally. These resources also will assist substantially in ensuring that a fair and competitive market place functions without impediment in the United States to the benefit of American business and consumers.

There is much to be done to promote and protect the free market system in the United States. To meet the challenges of maintaining a fair and competitive marketplace within the United States, and a level international playing field for U.S. companies, the Antitrust Division requests A REVENUE NEUTRAL PROGRAM INCREASE IN 1986 resulting in total resources of \$64 positions, \$34 million and \$91,346,000 to assure strong and effective antitrust enforcement.

Antitrust DivisionSalaries and ExpensesJustification of Proposed Changes in Appropriation Language

1986 budget estimates include proposed changes in appropriation language listed below. New language is underscored, and deleted material is enclosed in brackets.

Salaries and Expenses, Antitrust Division

For expenses necessary for the enforcement of antitrust laws, [900,666,000].
 Provided, That notwithstanding any other provision of law, not to exceed [900,640,000].
 of offsetting collections derived from fees collected for premerger notification filings
 under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be
 retained and used for necessary expenses in this appropriation, and shall remain available
 until expended. Provided further, That the sum herein appropriated shall be reduced in a
 such offsetting collections are received during fiscal year [1986], so as to read in a
 fiscal year [1986] [900,666,000] [900,640,000].
 Provided further, That any fees received in excess of [900,640,000] in fiscal year [1986]
 shall remain available until expended, but shall not be available for obligation until
 October 1, [1986]. Provided further, That of the offsetting
 collections credited to this account, \$105,000 are permanently canceled.

1986
 901,245,000
 843,262,000

1986
 843,262,000
 843,083,000

Examination of Changes

1. The first change requests a total fiscal year appropriation for 1986 of 901,245,000 instead of the total of 900,666,000 for 1986.
2. This change will increase the Division's reliance on indirect funding from \$39,840,000 in 1985 to \$43,262,000 in 1986.
3. Changes are proposed to update the provisions of the anticipated 1986 Appropriations Act an additional year so that the necessary authorities remain intact.
4. This change requests a fiscal year appropriation for 1986 of \$43,083,000 in place of the 1985 fiscal year appropriation of \$41,015,000.
5. The first changes request that any fees received in excess of \$48,262,000 in 1986 shall become available in 1987 and to delete the one time language that permanently canceled \$105,000 in offsetting collections.

The Division requests no program increase in 1996 to its direct appropriation. The entire 1996 requested increase is derived from premierer filing fees and is ~~ENTIRELY NEUTRAL~~.

Estimate by Program Activity	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Pos	NY	Amount	Pos	NY	Amount	Pos	NY	Amount	Pos	NY	Amount
Direct Authority												
Federal Appellate Activity	16	16	\$1,601	16	16	\$1,727	16	16	\$1,682	...	...	-\$45
Terminal and Prevention of Private Cartel Behavior	231	219	24,237	231	219	26,070	231	219	25,457	...	...	-\$613
Preservation of Competitive Market Structure	7	7	740	7	7	805	7	7	786	...	...	-\$19
Policy Analysis, Legislation and Training	57	56	6,193	57	56	6,620	57	56	6,463	...	...	-\$157
Competition Advocacy Program	32	32	3,141	32	32	3,380	32	32	3,200	...	...	-\$180
Management and Administration	61	61	5,123	61	61	5,566	61	61	5,385	...	...	-\$181
Total, Direct	406	391	41,092	404	391	46,177	404	391	43,083	...	...	-1,094
Indirect Authority												
Federal Appellate Activity	...	...	...	...	...	...	...	...	89	...	...	89
Terminal and Prevention of Private Cartel Behavior	...	...	...	...	...	...	...	...	1,159	...	...	1,159
Preservation of Competitive Market Structure	450	443	39,442	450	443	39,442	450	443	45,346	...	...	5,904
Policy Analysis, Legislation and Training	...	...	...	...	...	...	...	...	814	...	...	814
Competition Advocacy Program	...	...	...	...	...	...	...	...	61	...	...	61
Management and Administration	...	...	...	...	...	...	...	...	793	...	...	793
Total, Indirect	450	443	39,442	450	443	39,442	450	443	48,262	...	...	8,820
Grand Total	856	834	80,534	854	834	85,619	854	834	91,345	...	...	10,811

Antitrust Division
Salaries and Expenses
Justification of Program and Performance
(Dollars in Thousands)

Federal Appellate Activity

Federal Appellate Activity	1986 Availability			1986 Base			1986 Estimate			Increase/Decrease	
	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear
Direct	16	16	\$1,601	16	16	\$1,727	16	16	\$1,692	..	..
Indirect .....	..	..	..	..	..	..	..	..	89	..	..
Total	16	16	1,601	16	16	1,727	16	16	1,771	..	..

I. Base Program Description

To provide effective representation, the Division

- prepares briefs in antitrust cases before the Supreme Court as authorized by the Solicitor General;
- represents the interests of the United States in the courts of appeals in all civil and criminal cases brought by the United States under the Federal antitrust laws;
- reviews challenged decisions of the Interstate Commerce Commission, the Federal Communications Commission, the Federal Maritime Commission and the Nuclear Regulatory Commission, and prepares an appeal petition for the United States; and
- prepares and files amicus briefs in the courts of appeals and the Supreme Court in selected private antitrust cases. The Division's responsibility for appeals from decisions by district courts in antitrust cases and for participation as amicus begins is defined by 28 C.F.R. § 40.40(a). Authority to represent the United States in proceedings to review orders of the Interstate Commerce Commission, Federal Communications Commission, Federal Maritime Commission and the Nuclear Regulatory Commission is contained in 28 U.S.C. § 2341, 2360.

II. Long-Range Goals

To provide effective representation before courts of appeals and the Supreme Court for antitrust cases and also representation in proceedings to review orders of certain regulatory agencies

III. Major Objectives

- To support the sound and consistent development and enforcement of antitrust laws through the expert prosecution and defense of appeals in cases brought by the United States
- To protect the interests of the United States in the development of antitrust law through participation as amicus in private antitrust appeals
- To advocate competition in appeals taken from regulatory proceedings
- To assist in the investigation and trial of cases brought by the United States by providing research and analysis leading to the thorough examination of issues that could be raised for appeal

Federal Case Activity

IV. Accomplishments and Workload

Supreme Court:

In the Supreme Court, the Division filed four cases in 1994, including one *antitrust* brief. The Division also has filed one *antitrust* brief with the court to date during FY 1995.

- After the Division filed an *antitrust* brief opposing certiorari in *Amgen Incorporated v. Tecton Medical Products, Inc.*, No. 92-1274, the parties settled their dispute and the petition was voluntarily dismissed.
- In *Quidus Company v. Janssen Products Co., Inc.*, No. 93-1577, the Division, joined by the Civil Division, recently filed a brief in which it argued that a color may satisfy all of the Lanham's Act requirements for trademark protection.

Antitrust Division Cases in the Supreme Court	1994				1995	
	1992	1993	1994	1995	Range	1995 Estimate
Pending	2	2	2	6	6	6
Filed	3	4	4	4	4	6
Won	1	3	—	—	—	—
Lost	—	1	—	—	—	—
Dismissed	—	—	—	—	—	—

Courts of Appeals:

In 1994, the Division has won 11 of the 13 cases decided by the courts of appeals. The most significant decisions in 1994 include:

- *United States v. Microsoft*, 22 F.3d 790 (9th Cir. 1994). In that case, the court of appeals agreed with our contention that the defendant's role plays, settlement of a related civil case, and charitable activity did not warrant a downward departure from the sentencing guidelines.
- In *United States v. Southeastern Bus Sales, Inc.*, 20 F.3d 1449 (8th Cir. 1994), the court held that an antitrust offense had been properly joined with mail fraud violations and that, in any event, the defendants had not been prejudiced by the joinder. Moreover, the court also held that certain "other crimes" evidence should have been admitted during the government's case in chief when it was originally offered and that, therefore, the district court had not abused its discretion in admitting the evidence during rebuttal.
- In *United States v. Foster*, 11 F.3d 1365 (7th Cir. 1993), the court of appeals reversed a district court judgment dismissing a government complaint charging a violation of the Hart-Scott-Rodino Act because the government refused to produce for discovery certain internal FTC documents. The court held that the documents were both privileged and not relevant.

Federal Appellate Activity

IV. Accomplishments and Workload (continued)

Appellate Division Cases in the Courts of Appeal		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	29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Federal by Activity

V. Forecasted Increase:

A net increase of \$44,000 is requested for the Federal Appellate Program in 1995. This request is projected based as it is funded entirely by Hart Scott Rodino filing fee collections. Existing staffing in this program is essential and staff efficiencies will be improved to handle an increasing number of matters coming to the appeal stage.

Total Projected Need is based upon:

- o Civil workload in 1994 has increased substantially over the level in 1993. This trend in civil workload is expected to continue.
- o The civil and criminal matters that are being pursued in 1995 are more complex, involving a wider range of interactive issues including international discovery and changes in statutes and regulatory structure. Additionally, the record in matters being investigated is much larger and more detailed. This trend will continue and they get more complex.
- o Higher penalties were imposed by lower courts in 1994 as the result of the adoption of the Federal Sentencing Guidelines. More appeals are expected as judgments rendered are becoming more burdensome. The Guidelines will remain in effect for years to come, producing larger numbers of appeals.
- o Many changes are occurring in the regulatory landscape with major adjustments in legislation and court decisions affecting areas such as telecommunications, health care, international discovery, and the AIT's decree. As statutory, regulatory and judicially mandated changes are made in areas affecting significant business communities, new impetus can be expected for an increased number of appeals as judicial boundaries are reestablished.
- o The increasing complexity of issues will significantly affect the Division's front line staff conducting new investigations. Assistance by appellate specialists to these front line legislators, providing critical advice and guidance in areas that can be expected to result in appeals, is expected to increase.

VI. Benefits to be Derived:

The large number of civil investigations conducted by Division attorneys in 1994, and those anticipated in 1995, will produce a significant increase in civil appeals. During the 1970's when the Division last had a comparable number of civil investigations, the Appellate Section was involved in multiple appeals challenging civil investigative demands or raising antitrust immunity issues. Given that the Division's civil investigations increased substantially 1994, with further increases expected for 1995, additional appellate workload can easily be projected in 1996. Moreover, we anticipate that the civil antitrust cases that will be filed in 1995 and 1996 will result in appeals involving a larger record and more complex issues further increasing staff workload.

In addition, current Division enforcement efforts will likely produce an increase in the number of criminal appeals. These cases are likely to be larger and more complex than criminal cases handled by Appellate Section attorneys during the 1980's and 1970's. As we have stated previously, the increase in antitrust criminal cases and the complexity of the Federal Sentencing Guidelines have already produced an increase in the number of appeals raising only sentencing issues.

Appellate Section attorneys also must frequently consult with Division attorneys conducting investigations and provide advice on issues likely to result in an appeal. The complexity of the Division's appellate cases, and investigations in which it provides advice to the Division's trial teams, is increasing noticeably. Some of this increase in complexity is due to changes occurring in the American and international markets. However, this increase also can be attributed to the increase in the maximum corporate fine for Sherman Act Section 1 violations from \$1 million to \$10 million. Additionally, the Sentencing Commission amended the Sentencing Guidelines in a way that is increasing the penalties imposed on antitrust violators. Accordingly, there has been a recent increase in the number of appeals and higher penalties may further increase the number of appeals.

To support the substantial deterrent effect of penalties, the Division must be adequately prepared to successfully defend them on appeal. This increasing workload and the confounding and renewed emphasis on the adequacy of competition issues in appeal taken from regulatory proceedings make it essential that the Division maintain current appellate staffing levels and improve operational efficiencies.

Transaction and Description of Asset or Capital Transfer	1994 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Perm. Yrs	Workyear	Amount (000s)	Perm. Yrs	Workyear	Amount (000s)	Perm. Yrs	Workyear	Amount (000s)	Perm. Yrs	Workyear	Amount (000s)
Direct	231	219	\$24,237	231	219	\$28,070	231	219	\$26,487	-	...	\$613
Indirect	"	"	"	"	"	"	"	"	"	"	"	1,169
Total	231	219	24,237	231	219	28,070	231	219	26,616			548

The purpose of this program is to use private civil behavior by investigating and litigating violations of Section 1 of the Sherman Act. A wide range of investigative techniques are used, including staff and FBI investigations to detect collusion and bid rigging. Staff economists assist in collecting and analyzing market and pricing data, providing expert testimony where appropriate. Once the government detects and successfully prosecutes collusion, it may obtain fines or additional injunctive relief. The Division must monitor the firms subject to injunctions to ensure that they abide by the injunctive provisions of such relief.

In matters commencing with the opening of a preliminary inquiry. During this phase of an investigation, initial inquiries are made by Division attorneys and investigative agents prior to or after the initial investigation is determined to make as to whether the conduct is criminal in nature, or should be pursued civilly. Hard core antitrust violations, i.e., price fixing, bid rigging, and market allocation, are treated as criminal offenses and are referred to the Department of Justice for prosecution. In all other cases, the Division attorneys will determine if the preliminary inquiry phase develops enough evidence to warrant the opening of a formal investigation. If the preliminary inquiry phase develops enough evidence to warrant the opening of a formal investigation, the Division attorneys will determine if the conduct under investigation would be a civil violation. Both criminal and civil compulsory processes are available to the Division attorneys in the determination of antitrust violations.

1. Confession

Investigation and Prosecution

Major Objectives:

- To promote and maintain competition, economic efficiency, and the enhancement of consumer welfare by using criminal and civil enforcement of Section 1 of the Sherman Act to terminate and prevent agreements that restrain competition
- To limit cartel behavior in industries subject to state or Federal regulation to conduct that has been authorized by statute, to prevent the continuation of cartel behavior once statutes authorizing the approval of such behavior have been repealed
- To educate the public, business, legal professionals, and other government agencies with respect to the principles of antitrust laws and enforcement policies
- To protect competition in industries which recently have been deregulated

IV. Accomplishments and Workload:

A. Criminal Enforcement

1. Criminal Cartels:

Criminal enforcement of the antitrust laws against naked restraints of trade has been and continues to be one of the Division's core enforcement areas. We have increasingly prioritized the investigation of national and international price fixing conspiracies and other cartels with substantial consumer impact, and as a result of a comprehensive review of the Division's on-going grand jury work in 1984, we have streamlined the Division's workload by dropping some inquiries and transferring others to the states so that Division personnel are able to concentrate on matters that are large, precedent setting and involve issues appropriate to the Federal level. To make the best use of combined resources, we also have increased the Division's coordination with state attorneys general and the Department of Justice. We have also increased our coordination of investigations of activities affecting local or regional commerce. So far this effort remains in focus. In June, 1984, a serial counsel to the Assistant Attorney General was designated as the counsel for relations with State Attorneys General, specifically to coordinate and enhance the Division's mutual enforcement efforts with the states.

The Division's criminal enforcement program has remained vigorous. In 1984 the Division filed 84 criminal cases against 82 corporations and 80 individuals. Five of over \$42.3 million were imposed as a result of convictions obtained. Though the number of grand juries (as shown on the following chart) has declined over that of 1982, the number of cases coming from these grand juries remain a consistent including charges against 55 corporations and 50 individuals in 1984. This reflects the fact that the cases we filed in FY 84 are larger in scope than those of previous years, including many complex issues, and accordingly require the same level of staffing and effort as in 1982 and 1983. In fact, 33 (39%) of the 84 grand jury indictments in 1984 were filed in the last 10 months of the year. This reflects the fact that the Division's workload is increasing, increasingly have international implications, and involve more complex issues of commerce, with more resulting enforcement impact per dollar of Division expenditure.

	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981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Termination and Prevention of Private Capital Behavior

IV. Accomplishments and Workload (continued):

A. Criminal Enforcement (continued):

1. Criminal Overview (continued):

In addition to the Division's critical on going work in such key economic areas as health care and federal procurement (each addressed separately in this section), the Division has been working aggressively to identify and prosecute Federal offenders.

Several major corporations have been convicted of criminally violating the Sherman Act or agreed to a fine in connection with a plea. Miles, Inc. pled guilty to fixing the price of seat and made and agreed to pay a fine of \$4.5 million, a matter brought to our attention as the result of the Division's corporate amnesty program. Highlighted in this section is the conviction of Borden Inc. and its affiliate paid an aggregate of \$13.2 million in fines in connection with convictions for rigging the bids for school milk. The Borden Works was fined \$6 million after a conviction of conspiring to fix prices on architectural hinges. Premier, Inc. was fined \$6 million after a guilty plea to price fixing on residential built doors. In addition, on June 9, 1994, three companies and seven individuals were charged with conspiring to fix the prices of disposable plastic dishware (e.g., plastic knives, forks, spoons, plates, cups) sold throughout the United States. All defendants have agreed to plead guilty. Two defendants were fine a total of \$8.4 million and the remaining defendants await sentencing.

In the criminal enforcement area, the Division has noted one matter of great concern: the increased observation that we are encountering in grand jury investigations. During the past year, we returned the indictments involving conduct of justice charges. Conduct of justice charges are very rare in the criminal enforcement area and we take it with great interest. In fact, we have only one conviction in this area. As a result, we have been very active in the past year in identifying and prosecuting such cases. We anticipate that the number of cases involving such things as false statements, perjury and obstruction of justice will continue to rise and require more work to pursue and that an increasing number of our grand juries will continue to involve international issues (see chart on following page) and much larger discovery and case review requirements as well.

**Grand Jury Criminal Convictions
(U.S. False Statements, Perjury,
Obstruction of Justice)**

	1992	1993	1994	1995	1996	1997
Pending	11	10	6	6		
Fined	13	13	17	21	21	0
Won	11	12	16			
Lost	3	3	3			

As a further illustration of the Division's efforts to pursue and prosecute violators of antitrust laws, after a two year coordinated effort between the United States and Canadian antitrust investigators, on July 14, 1994, the break up of a \$120 million a year international cartel in the fax paper market was made final. In this case, charges were filed in the United States and in Canada against a Japanese corporation, two American subsidiaries of Japanese companies, and a former president of one of the U.S. subsidiaries for their involvement in a price fixing conspiracy that raised thermal fax paper prices by approximately 10 percent, a cost absorbed primarily by small businesses and home fax users. The defendants agreed to plead guilty and to pay criminal fines of more than \$6 million.

The Canadian and United States authorities are continuing their joint investigation into the fax paper industry pursuant to the Mutual Legal Assistance Treaty (MLAT) between the two countries. This case represented the first joint criminal antitrust prosecution with Canadian competition authorities.

Termination and Process of Private Capital Behavior

IV. Accomplishments and Workload (continued):

A. Criminal Enforcement (continued):

1. Criminal Overviews (continued):

	1992	1993	1994	1995	1996	1997	1998	Change	Estimate
On Going Grand Juries (ending at start of year)	150	144	112	97	97	97			97
On Going Grand Juries with International Aspects	8	14	22	25	25	6	30		
% of Grand Juries with International Aspects	8	9.7%	19.2%	25.5%	25.5%	25.5%	30.4%		

8/ Data were not available until 1993

The Division has had much success in targeting patterns of bid rigging and price fixing conspiracies. Often an investigation that begins with limited evidence involving a particular industry or geographic area will reveal through further investigation much broader conspiracies or related patterns of criminal violations. This has been the Division's experience in such diverse industries as milk distribution, electrical contracting, highway construction, waste management, soft drink bottling, and steel and alloy pipe. In recent years, the Division has expanded its criminal investigations and prosecutions to include industries that typically have not been the subject of criminal antitrust scrutiny, such as the health care industry, where there may have been a long held sense of "learned profession" exemption. Price fixing and/or bid rigging by white collar professionals is no less damaging than similar violations by waste haulers, road builders or electrical contractors.

2. Corporate and Individual Amnesty Programs

To assist in the identification of anticompetitive conduct, the Division has obtained a new and expanded corporate amnesty program which now includes companies which come in to the Division to offer cooperation and an investigation has begun. We understand this to be a significant step in the Division's efforts to use its resources in the most efficient manner possible. The new amnesty program has generated a great deal of interest and discussion in the private bar. The message is that the Division will be much more receptive than in the past to requests for amnesty in exchange for valuable early cooperation, and the new policy appears to be succeeding. In the 15 years from 1978 to 1992, under the former, more restrictive amnesty policy, a total of 17 companies availed themselves of the policy. Since announcement of the new policy in August, 1993, 13 companies have offered to cooperate in a period of 18 months. An average of almost one per month has continued to come forward under the new policy. To complement this new, expanded corporate amnesty policy, a new individual amnesty program was announced on August 10, 1994. The policy for individuals applies to those employees whose companies have decided not to come forward. These two programs, working together, should considerably increase the likelihood that someone will confess to anticompetitive conduct. The new individual amnesty program is being implemented by the Division's attorneys and should result in a significant increase in prosecutions. Corporate executives and lawyers, in discussing the new individual amnesty program, should uncover major new conspiracies and result in a significant increase in prosecutions. Employees getting amnesty on their own. These expanded amnesty programs should uncover major new conspiracies and result in a significant increase in prosecutions.

Termination and Prevention of Private Civil Behavior

IV. Accomplishments and Workload (continued):

A. Criminal Enforcement (continued)

3. Federal Prosecution

Integral to the Division's criminal enforcement effort is an intensive probe of bid rigging and price fixing activities in connection with Federal Government procurement. The Division's investigation of this area has been the investigation and prosecution of bid rigging and price fixing on contracts set by the United States Department of Defense, including the U.S. Army Corps of Engineers. These cases have involved the procurement of military uniforms and gloves, dredging, moving and storage services for military personnel, dairy products and various medical products. Division prosecutions have charged violations of Section 1 of the Sherman Act, mail fraud, false statements submitted to government agencies, perjury, conspiracy to defraud the U.S. Government, illegal gratuities, destruction of government records, and aiding and abetting. Approximately 260 defendants have been convicted, with fines and damages totaling \$42 million. Of the Division's current 8.7 grand jury investigations, 79 are focused on Federal, State and local government procurement programs.

Since early 1992, the Antitrust Division has been working with the Defense Fuel Supply Center (DFSC) to sensitize its staff to the antitrust laws and to encourage them to call to our attention matters of antitrust concern. Each year, the DFSC contracts for the purchase of fuel and fuel related services for the Department of Defense. In 1993, the Division made 100 calls to DFSC, resulting in 100 potential violations of the antitrust laws being referred to the Division for investigation. One potential matter involves possible actual violations in the bidding for the supply of coal to the military. The Defense Criminal Investigative Service is assessing the Division in these investigations.

The Division is assessing the U.S. Army to determine whether it has been receiving competitive bids on specific munitions systems, whether the Army should receive compensation and how much in the event it has been receiving non-competitive bids, and whether injunctive relief is appropriate to change munitions industry bidding practices. A recent success in this area was the settlement awarded on January 20, 1994, under which Alanti Tech Systems Inc. and Aerojet agreed to pay the Federal Government \$12 million in relation to their alleged inappropriate joint production of cluster bombs.

4. Dairy Industry Settlements

A significant area of activity has been the numerous investigations into bid rigging on contracts to supply dairy products to public institutions, primarily schools. During 1993 and 1994, there were 62 dairy cases filed against a total of 36 corporate and 30 individual defendants. More than \$32 million in fines was imposed on dairy defendants in these two years. A large part of that \$7 million came from the sentencing of Flav O Rich, Inc. on seven cases as part of a global settlement and \$5.8 million from six cases against Borden, Inc. and its subsidiary Meadows Gold Dairies. In 1994, the Division filed a total of 144 criminal cases in the dairy industry against 97 corporations and 81 individuals. Total fines and civil damages amount to \$12.3 million.

Transmission and Prevention of Private Care Behavior

IV Accomplishments and Workload (continued):

B. Health Care

A major concern of the Division is investigating suspected antitrust law violations by companies in the health care industry. Recent cases and investigations have involved a wide variety of health care matters, including 20 cases. The Division conducted its grand jury investigations and is presently pursuing one involving possible price fixing among competing doctors and hospitals. The Division is presently investigating a potential barrier to the health care field, many focusing on exclusionary conduct by providers are placed under closer scrutiny by consumers and consumer organizations. Also, 12 business reviews were issued in 1984 that provide frameworks that will serve as useful guidance to the health care industry in the future. Of particular importance is the Memorandum of Antitrust Enforcement Policy in the Health Care Area. This document, drafted in broad consultation with other governmental and private health care organizations, provided antitrust guidance to hospital and health care providers regarding mergers, joint ventures, and other collaborative activities. The policy statements will help alleviate uncertainty within the health care industry, making it easier for practitioners, cost saving mergers and joint ventures to proceed.

In addition, the Division has been and continues to be an active participant in programs to develop a national health care strategy that will improve the health care system. The Division has had frequent meetings with representatives of the health care industry groups to explore antitrust concerns and how the Division and the Administration can help address those concerns. In addition, the Division has been involved in the Health Care Area. In addition, the Division has been called upon as a valuable resource by the Administration in helping to develop the Antitrust Enforcement Policy in the Health Care Area. The Division also has played an important role in providing education and assistance to Congress in their consideration of the role of competition and the antitrust laws in the health care industry. The Division's efforts in all of these areas are continuing and are critical to insure that competitive concerns are addressed and a comprehensive system developed that will provide reasonably priced health care services to all.

In addition to the many ongoing investigations not yet public, health care accomplishments include

- (1) United States v. Burdette, which alleged that 22 obstetrician/gynecologists (obgyns) (approximately 80 percent of the obgyns in Savannah, Georgia) conspired to exchange information and suppress competition, resulting in higher fees to patients. This case was settled by a consent decree enjoining defendants from engaging in price fixing and from exchanging any information about current or future fees.
- (2) United States v. Hospital Association of Greater Des Moines, Inc., et al., which alleged that the association and five of its member hospitals entered into agreements to restrict advertising of hospital services. A consent decree requiring the defendant hospitals to independently determine advertising policies was filed and entered by the court.
- (3) United States v. Greater Bridgeport Hospital Private Association, Inc., which alleged that the members of the association illegally boycotted a health maintenance organization (HMO) by refusing to contract individually with the HMO.

Termination and Prevention of Private Care Behavior

IV. Accomplishments and Workload (continued):

B. Health Care

- (4) *U.S. v. Bolar Pharmaceutical Co., Inc.* The indictment in this case, filed December 17, 1992, charged two generic drug manufacturers, Bolar Pharmaceutical Co., Inc. and Watson Pharmaceuticals, Inc., and their president, with conspiring to file false claims with the Department of Health and Human Services, during the period February 1988 through April 1991. The indictment charges that the defendants conspired to obtain a total of \$1,540,000. Pursuant to a plea agreement, Robert Shulman, the former president of Bolar, pled guilty to identical charges in a separately filed indictment. Shulman was sentenced to 21 months in jail and a \$20,000 fine, to run concurrent with his two year jail sentence and a \$1.25 million fine for fraud, obstruction of justice and other charges brought by the U.S. Attorney for the District of Maryland.
- (5) *U.S. v. Utah Society for Healthcare Human Resources Administration et al.* On March 14, 1994, the Division filed a complaint for equitable relief charging eight Utah hospitals, the Utah Hospital Association, and the Utah Society for Healthcare Human Resources Administration with conspiring to exchange current and prospective wage information for registered nurses, thereby stabilizing nurse entry wages and limiting the amount and frequency of wage increases in Salt Lake County, Utah.

C. Health Care Businesses Reforms

As part of an expanded and aggressive program of increased outreach to the health care community implemented within the past year, the Division has, with the support of the American Hospital Association and Congress, actively committed to provide specific antitrust guidance in the form of health care business reviews on an expedited basis. The commitment, which involves significant Division resources, is for the Division to handle all health care business reviews within ninety days after all necessary information is received regarding any of the six subject matter areas addressed in Division's *Statements of Antitrust Enforcement Policy in the Health Care Area*: hospital mergers, hospital joint ventures involving high technology or other expensive medical equipment, physician provision of information to purchasers of health care services, hospital participation in exchanges of price and cost information, joint purchasing arrangements among health care providers, and physician network joint ventures) and within 120 days for any other health care antitrust question. Previously, the Division had no time limit within which to respond to health care business reviews, and at times had taken more than one year to respond due to other workload requirements.

Since this commitment was made, the Division has seen a significant increase in requests for a business review. Furthermore, entities such as the American Hospital Association, which have informed their membership of the availability of this tool to resolve antitrust guidance from the Federal government. As a result, it is expected that the number of requests for health care business reviews will substantially increase even over the tremendous increase already experienced by the Division since the inception of the program. The Division is facing a substantially increased resource need with which to respond to the overwhelming increase in filings within the shortened time frame for providing responses.

The health care business reviews issued since the inception of the program have given providers and businesses specific antitrust guidance on such important topics and hospital joint ventures. Physician joint ventures, hospital physician joint ventures, business group health care purchasing and provider information exchanges. In specific areas, the guidance has enabled efficiency enhancing joint conduct in the health care field which will help contain costs. One of the most important antitrust issues and the increased community desire to have more information about health care business reviews. Health care business review requests not only is expected to continue, but also to further expand. This means that the Division will continue to require additional additional attorney and support staff time, but is responsive to Administration and Congressional concerns regarding the need for antitrust clarification in the health care industry.

Termination and Prevention of Private Capital Barriers

IV. Accomplishments and Workload (continued):

D. Civil Enforcement

Support of the Antitrust Division's non-merger civil enforcement program as pursued under Section 1 of the Sherman Act is a priority. The perception and reality among consumers and entrepreneurs that open and competitive markets are essential and the antitrust laws will be enforced fully and fully is critical to the economic freedom of all Americans. Vigorous competition is also critical to assure the rapid innovation that generates continued advances in our standard of living.

The Division has filed a number of major civil enforcement actions, and has underway a very large number of new civil investigations. The resource requirements necessary to sustain this effort are great.

1. Securities

On May 20, 1992, the Department of Justice and the SEC announced a \$90 million civil settlement with Salomon Brothers, Inc. The Antitrust Division, as part of this global settlement, received \$27.8 million from Salomon on September 16, 1992. This civil penalty resolved the Division's antitrust suit for Salomon's participation in an agreement to coordinate trading in the May 1993 two year notes auctioned by the Treasury in May 1991. The \$27.8 million asset forfeiture is the largest civil penalty ever received by the Antitrust Division and the largest payment to the Department's Asset Forfeiture Fund in 1992. In addition, on December 16, 1994, the Division and the SEC announced that Sternberg Management Company, Inc. and Cation Corporation, two of the country's leading investment fund managers, have agreed to pay \$15 million to settle antitrust and securities charges.

2. Telecommunications

In the telecommunications area, several matters currently are being investigated as possible violations of Section 1 of the Sherman Act. In the only investigation currently public, the Division is looking at five major music companies that are forming a series of joint ventures in different parts of the world, including the United States. As reported in the New York Times, July 23, 1994, 35, the five studios are owned by Time Warner Inc., the Sony Corporation of Japan, Thorn EMI of Britain, Polygram Holding N.V. of the Netherlands and Bertelsmann Music Group of Germany. Together, the five dominate the music recording business. With their combined revenue of nearly \$5 billion, they have about 80 percent of the \$11 billion recording market world wide. Time Warner Music alone has sales of \$3.3 billion.

Substantial resources will be required with which to pursue this investigation which serves as only one example of what will be necessary as the television and entertainment industry changes in response to market pressures.

Termination and Prevention of Private Cartel Behavior

V. Accomplishments and Workload (continued):

D. Civil Enforcement

2 ATP

On March 17, 1991, the Division invited United States Airline Ticket Publishing Company, Inc. (D.T.C.) The eight largest U.S. airlines (American, United, Delta, Northwest, US Airways, Continental, TWA, and National) used their computerized information system to conduct a detailed electronic database to raise prices, eliminate discounts, and largely limit the number of travel agents. The airlines' actions were aimed at increasing their revenues by as much as \$1 billion between 1988 and 1992. This case, as well as the others, illustrates the potential for anticompetitive behavior by large firms that produce major economic impact, require a tremendous resource commitment, and deprive consumers and businesses of prompt relief from anticompetitive practices. As a result, the economic benefits of full staffing of these antitrust cases far exceed the modest budgeting costs they required.

The investigation that led to this important case and settlement began in August 1989, over 3 years before the complaint was filed, and almost 4 1/2 years before the case was finally settled. The delay was attributable almost entirely to inadequate staffing. Four lawyers, who worked on the matter on a part-time basis, were responsible for

- .. Reviewing 700,000 pages of documents produced by the Adverses.
- .. Reviewing 200,000 pages of documents produced by third parties.
- .. Conducting 52 lengthy interviews.
- .. Conducting 44 depositions, and
- .. Sorting and reviewing hundreds of thousands of affirmative records.

... Sorting and reviewing hundreds of thousands of airline fare records

Not until the complaint was filed in December 1992 was the staff increased to 7 full time attorneys. Two full time and several part time economists, along with 3 research assistants, and 3 paralegals also worked on this case. However, staffing was only dedicated to this case as the result of moving staff from other investigations, resulting in their delay.

The enlarged staff made it possible to prepare the case for trial. Among other things, this preparation required a 440 page response to defendants' initial interrogatories and request for admissions, the review of another 300 boxes of documents submitted by defendants, and the serving of 2700 interrogatories and 640 requests for admissions on the several defendants.

As a result of our completed discovery, we were prepared to prove that the computerized information exchange produced at least 50 separate price fixing agreements covering hundreds of routes, that overall fares were raised by over \$1 billion, and that broad relief was justified. Extensive briefs also were filed before the court in a protracted proceeding to enter a consent decree against two of the airline defendants over the opposition of the remaining defendants.

perpetual firm were devoted to this massive and complex cause. Had the case been decided in the United States, the defendant firm would have been required to pay the plaintiff an amount of money far in excess of the \$200,000 of attorney fees and \$3,000 hours of economist time, and 3,000 hours of economist time, and 3,000 hours of economist time. Had the case been decided in the United States, the defendant firm would have been required to pay the plaintiff an amount of money far in excess of the \$200,000 of attorney fees and \$3,000 hours of economist time, and 3,000 hours of economist time.

Deviating to consumers and suppliers as a result of the deterrent effect of antitrust enforcement multiplies the cost effectiveness of resources devoted to eliminating price fixing, bid rigging and market allocations among competitors. The Division's economic analyst conducted a review of available data and concluded that antitrust enforcement activities under the Federal government, through restrained pricing of goods and services purchased by the Government, yielded from \$400 million to \$1.5 billion per year. The most cooperative example is that many firms greater than the direct appropriation for the entire Antitrust program. This program operates at the best interest of both the Government and the U.S. consumer because both are adversely affected by anticompetitive practices.

Termination and Preve. / Private Corp. Behavior

IV. Accomplishments and Workload (continued):

E. Learning Investigations and Cases - New Initiative

The Division has initiated in the past year a new project to identify, investigate, and prosecute anticompetitive learning arrangements among contractors bidding on Department of Defense (DOD) procurements. This project will result in investigations into various defense industry learning arrangements. (Under these arrangements, companies that were formerly competitors get together and submit a single bid to DOD rather than compete on an upcoming procurement.) Typically these involve highly complex, engineered products for which substantial research and development is performed, and they often involve classified programs. One case (U.S. v. Alliant Techsystems and Aerjet General) has already been brought; additional investigations are underway, and a large number of referrals are anticipated in the future. We expect this project may result in certain highly visible criminal cases, some of which have national security aspects and involve national firms and large amounts of public money.

In the Alliant/Aerjet matter, in January 1994, the Federal Division entered into a consent decree with these two defense contractors. The decree resolved the Division's allegation that the defendants had entered into an anticompetitive learning arrangement in violation of the Sherman Act by eliminating competitive bidding and substantially raising the price of the single bid submitted by the defendants. Under the decree, the defendants agreed to pay over \$4 million to the Department of Justice and not to learn on future CEM procurements on which the government seeks competition. They also agreed to accept a contract price of approximately \$3 million less than the teams bid price, which was approximately \$133 million.

The Alliant/Aerjet case raised issues with which the Division had little experience and required enforcement and analytical decisions of virtual first impression. By working closely with the Army and mastering the regulatory framework governing the CEM procurement, the Division was able to overcome these challenges.

The consent decree achieved substantially all the objectives of the Army and the Division in ensuring the vitality of competition in the cluster munitions industry, necessary relief and a contract price representing a fair return on investment for the contractors, and learning and innovation for the government. It also stands out as a model for the Division's efforts to achieve through further cooperation between the Division and the military services. Finally, the decree demonstrates the Division's resolve to challenge defense industry consolidation that harms competition and serves no discernible public interest.

As typified by the above example, these investigations and any ensuing litigation are extraordinarily complicated. First, they typically involve joint ventures, which require that a complex analysis be undertaken to determine if there are anticompetitive effects from the combination. This analysis, essentially the same as used in mergers, includes an evaluation of the relevant product and geographic markets, the structure of the market and the firms participating in it, the potential for entry, the possible impact on actual or potential competition, and an assessment of any efficiencies that can be realized by the combination. In addition, in post award situations, these cases require an assessment of the prices that would have been charged had there been no learning arrangement, requiring an evaluation of the costs of production, a determination that adds to the investigation's complexity since determination of what a price would have been requires the Division to determine the appropriate level of competition. In the Alliant/Aerjet case, the Division was able to calculate an adverse impact from learning, and ultimately structure a savings of about \$12 million (representing approximately 10% of the contract price).

Moreover, these cases must generally be conducted on a fast track, faster even than the typical merger, because of the desire to make a decision, if possible, before a contract is entered in order to avoid damages to DOD. For example, one recent investigation needed to be concluded in a three week period. In another investigation, three lawyers had to depose ten senior corporate officials from two national companies within two weeks. Another complication is that many of these investigations involve the combination of the only two competitors producing a product, which means that developing information is more difficult than in other cases because there are no available third parties to provide information to help the investigation.

Termination and Prevention of Private Cartel Behavior

IV. Accomplishments and Workload (continued):

F. Resale Price Maintenance - First Cases Since 1990

In a civil action the Division charged Centistar Sports U.S.A., Inc. with engaging in resale price fixing in connection with the sale of certain types of hockey skates during most of 1990. A consent judgment entered on September 17, 1993, prohibits the defendant from directly or indirectly agreeing with its dealers to fix resale prices for hockey skates. This was the first resale price maintenance case filed by the Division since 1990. In a second resale price maintenance case announced in August 1994, California SunCare Inc. the defendant is charged with engaging in resale price fixing in connection with the sale of certain types of suntan lotions. The consent judgment entered on September 17, 1994, prohibits the defendant from directly or indirectly agreeing with its dealers to fix resale prices for suntan lotions. These cases involve intensive investigation and require making contact with a wide number of retailers. Further, these cases, that usually begin with a complaint from a retailer, require the Division to conduct extensive investigations related to the market. Additional resources are required by the Antitrust Division with which to pursue these investigations that work to preserve the right of American consumers to buy products at the lowest competitive price.

G. Cooperation with other agencies

The Division has developed communication networks with and has been assisted by investigators and agents from numerous Federal, state, and local agencies, such as the Departments of Defense, Agriculture, Transportation, and Housing and Urban Development, the Customs Service, the U.S. Attorneys, the Federal Bureau of Investigation, the Consumer Protection Division, the Criminal Division, the U.S. Postal Service, the Resolution Trust Corporation, state attorneys general, and Federal, state, and local procurement officials. This cooperation has been very effective in enabling the Division to conduct more extensive investigations and to bring Division attorneys from conducting numerous interviews, allowing them more time for organizing and presenting evidence. Examples where cooperative efforts have led to improved antitrust enforcement include:

- The Division's state procurement initiative provides training and other assistance to Federal, state and local procurement officials on how to detect, report, and investigate suspected anticompetitive contracting activities. This program has been well received by Federal investigatory agencies, state attorneys general, and procurement officials. These cooperative efforts have been invaluable in cases such as our school and military milk contract bid rigging.
- The Division and the attorneys general of several states have examined bid rigging in school and military milk contracts in the United States. These investigations have resulted in the filing of 126 civil cases against 73 corporations and 80 individuals. Fines and damages total nearly \$87 million. Sherman milk grand jury investigations are now active in 13 states.
- An ongoing investigation begun under the Division's corporate amnesty program has received outstanding support from the FBI, both in gathering information and changing the investigative approach to the industry. The FBI is also supplying the assistance of an expert witness, supporting the Division's magnesium chloride investigation.
- The filing of two criminal cases in the forestry industry (U.S. v. Contract Services Corp. and U.S. v. Brothers Forestry, Inc.) is in part the result of excellent work by the Department of Agriculture Inspector General's Office in securing a search warrant and in assisting throughout the investigation in gathering information and evidence.

Termination and Pretext Private Cartel Behavior

V. Requested Increase:

A net increase of \$546,000 is requested as a net workload related program adjustment for the Termination and Prevention of Private Cartel Behavior Program in 1996. As with all of the other Division program enhancements in 1996, this request is essential insofar as it is funded entirely by Hart Scott Rodino filing fee collections. As the Division continues its efforts to more effectively perform its mission, we plan to further concentrate government resources on our core activities of investigation and litigation and rely on the private sector to provide improved litigation support functions to help the Division handle its expanding workload. In addition, requested funds will assist in the Division's efforts to improve its document and information management programs, and allow for the more efficient and effective processing of the tremendous volume of data that the Division must handle daily.

Total Projected Need is based upon:

- o The Division has a large number of ongoing matters involving major segments of the American economy. Staffing in order to adequately pursue these cases is desperately lacking and additional resources are needed to cover these investigations.
- o Civil workload under the Division's Cartel Program in 1994 has increased and is projected to continue to do so for years to come, particularly in areas such as resale price maintenance, large cases, similar to the recent ATP investigation, and involving national and multinational business conduct, telecommunications, in which pending legislative and judicially mandated changes are likely to drastically change existing business structures, media and entertainment, which is undergoing substantial change, reassignments in industries previously or currently relying on defense contracts, and other areas which will impact on the competitiveness of American companies working in the international market.
- o Criminal workload under the Cartel Program is also becoming more intensive, with current and projected investigations continuing in federal procurement, new allegations coming in at an increasing rate as a result of the Division's corporate and individual amnesty policies, and health care issues, which have and will continue to receive great attention.
- o The criminal and civil matters that are being pursued under the Cartel program in 1994 are more complex, involving a wider range of interactive issues including international discovery and changes in statutes and regulatory structure. Additionally, the record in matters being investigated in 1994 is much larger and more detailed. This trend will continue and likely get more complex.
- o Recent investigations, notably the recent airline matter in the Cartel Program, have painfully demonstrated the cost to American consumers of delay in the enforcement of the antitrust laws. The cost to consumers in the airline matter is estimated to be more than \$1 billion between 1988 and 1992. This case, as with others, product major economic impact, and a failure to commit the necessary resources precludes investigation, creates inefficiencies and deprives consumers and businesses of prompt relief from anticompetitive practices.

VI. Benefits to be Derived from Requested Increase:

Criminal

- The number of cases involving international issues, which require more discovery and analysis and more effort, are increasing. Between 1993 and 1994, the number of grand jury indictments with international aspects has increased 10 percent. Though the number of overall grand jury indictments predicted to decline, the increasing size and complexity of these matters will require the same level of staffing as in 1992 and 1993. In fact, the cases filed to date in 1994 as the result of these grand jury indictments are more significant than against larger companies, increasingly have international implications, and involve more overall dollars of commerce, with more resulting enforcement impact per dollar of Division expenditure.
- The Antitrust Division is conducting simultaneous probes of several overseas cartels that have the ability to set prices and restrict markets. Prime target for scrutiny is price fixing cartels that operate around the world and in connection with U.S. companies. The Division is conducting about half a dozen separate investigations of suspected overseas price fixing in highly concentrated basic industries. The affected industries include minerals and basic manufacturing components. We suspect substantial abuses are occurring where there is a worldwide market and a small number of producers, but the distance between suspicion of collusion and the evidence needed to make a case in court can be significant. If a foreign cartel bars American exporters from competing and if the nation involved fails to enforce its laws against the cartel, the U.S. now has the unfettered authority to sue subsidiaries of the foreign cartel with operations in this country.

Termination and Prevention of Price-Ceiling Behavior

VI. Benefits to be Derived from Requested Increases (continued):

Criminal

- The Division's Corporate Amnesty Program has increased the number of companies that have come forward from an average of one per year from 1978-1993, to about one per month in 1994. When combined with the new Individual Amnesty Policy issued in August 1994, these expanded amnesty programs should uncover major new conspiracies and result in a significant net increase in prosecutions. While this "self-identification" will save the Division from some of the workload necessary to identify and pursue violators, it is also resulting in an increase in the work coming to the Division, with a net result in the need for additional resources with which to address the issues of companies and individuals who have acknowledged wrong doing.
- The vertical restraint guidelines were revoked in 1993 because they did not set forth the Division's current analysis of vertical practices and were not consistent with judicial interpretations of the antitrust laws. By extending the Corporate Leniency Policy, adopting an Individual Leniency Policy, and revoking the Vertical Restraints Guidelines the Division has made significant strides to enforce more effectively the antitrust laws.
- Federal Government procurement programs and the Division's ongoing probes of price fixing and bid-rigging continue to occupy a significant part of the Division's workload. Of the Division's current 87 grand jury investigations, 29 or 33 percent are focused on Federal, state and local government procurement efforts. A recent success by the Division in this area was the settlement awarded on January 20, 1994, under which Alliant Tech Systems Inc. and Aerojet agreed to pay the Federal government \$12 million in relation to their alleged inappropriate joint production of cluster bombs.

Civil

- Pursuit of the Antitrust Division's non-merger civil enforcement program under Section 1 of the Sherman Act is a priority. The perception and reality among consumers and entrepreneurs that open and competitive markets are essential and the antitrust laws will be enforced fairly and fully is critical to the economic freedom of all Americans. Vigorous competition is also critical to ensure the rapid innovation that generates continued advances in our standard of living. The Division has filed a number of major civil enforcement actions, and has underway a very large number of new civil investigations.
- Health care matters examined by the Division are increasing with the reexamination of the health care system in the United States by consumers, the Congress and the Administration. The Division currently is investigating many significant civil matters in the health care field, many focusing on anticompetitive conduct by competing doctors and hospitals to eliminate competition from managed care plans. This type of investigation is expected to increase throughout 1995 and 1996, as health care providers are placed under closer scrutiny.
- Division cases and investigations have involved a wide variety of health care matters in 21 states. The Division concluded three grand jury investigations and is presently pursuing other matters involving possible price fixing or bid rigging among competing health care providers. The Division also has recently completed or is still investigating a significant number of civil matters in the health care field.
- With issuance of a joint document by the Federal Trade Commission and the Antitrust Division entitled "Statements of Antitrust Enforcement Policy in the Health Care Area," and at the urging of the Administration and the Congress, the Division has committed to handle all health care business reviews within 90 days after receiving all necessary information. Since this commitment was made, the Division already has received a substantial portion of requests for health care business reviews. Furthermore, as the Division has increased its efforts to handle these requests, it has also increased the number of requests for information from the Federal government. It is anticipated that the number of requests will substantially increase well beyond the current level.
- In the telecommunication area, an economic section in which we anticipate significant additional workload, matters affecting cable companies, TV networks, publishers and phone companies as well as to CD technology are likely businesses and technologies in which we will see investigatory interest in the next few years.
- As an example of the economic impact to consumers of antitrust enforcement in this area, or the delay of it, the Division's settlement of a *Antitrust Tenth Publishing matter* in March 1994 stands out. In this case, the eight largest U.S. airlines (American, United, Delta, Northwest, USAir, Continental, TWA, and Alaska) used their computerized information system to conduct a detailed electronic dialogue to raise prices, eliminate discounts, and target small new entrants through coordinated pricing actions. The cost to consumers of this antitrust violation was estimated at more than \$1 billion between 1989 and 1992. This case, as with others that produce major economic impact, required a unanimous resource commitment. It also committed the Division to necessary resource allocation, including the use of undercover agents and deploys consumers and businesses of interest and non-competitive practices. Cases similar to the ATP investigation, and with economic impacts of equal or greater value to American consumers, are pending investigation by the Division.

Termination and Price Private Cartel Behavior

VI. Benefits to be Derived from Restrainted Increase (continued):

Teaming

- The Division has initiated in the past year a new project to identify, investigate, and prosecute teaming arrangements among contractors bidding on Department of Defense procurements. Under these arrangements, companies that were formerly competitors get together and submit a single bid to DOD rather than compete on an individual procurement. Typically these involve highly complex, engineered products for which substantial research and development is performed, and they are often associated with large programs. We expect this project may result in a number of highly visible antitrust cases, some of which have national security aspects, and involve national firms and large amounts of public money.
- As typified by the Alliant Aircraft case described under Accomplishments, these investigations and any ensuing litigation are extraordinarily complicated. Moreover, these cases must be conducted on a fast track, sometimes as little as three weeks, because of the desire to make a decision, if possible, before a contract is entered into, in order to avoid charges to DOD. Additional resources are needed in order to pursue this initiative.

Resale Price Maintenance

- The Division recently has begun, once again, to file RPM cases designed to give American consumers freedom from price maintenance agreements. Following the successful pursuit of only the second RPM case in the last 14 years, the Division now has several investigations pending.

Volume of Commerce

- The annual volume of commerce associated with those areas in which we anticipate workload increases is huge and even using a very conservative one percent value, we estimate that the efforts of the Antitrust Division alone will result in a savings to American consumers of \$2 billion per year as the result of restrained prices through the deterrent effect of antitrust enforcement.

Preservation of Competitive Market Structure

Preservation of Competitive Market Structure	1996 Availability			1996 Base			1996 Estimate			Increase/Decrease	
	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear
Direct	7	7	\$748	7	7	\$805	7	7	\$786	...	...
Indirect	450	443	39,442	450	443	39,442	450	443	45,346	...	...
Total	457	450	40,190	457	450	40,247	457	450	46,132	...	...

I. Long-Range Goal:

To enhance the ability of markets to function efficiently by preventing mergers and acquisitions that may lessen competition and by preventing and dissipating monopoly power acquired or maintained by purposeful conduct inconsistent with competition on the merits.

II. Major Objectives:

- To implement a coherent merger enforcement program which prevents mergers that threaten to reduce competition in specific markets while minimizing governmental interference with transactions having no significant potential for harm.
- To enforce effectively the premerger notification requirements of the Hart Scott Rodino Antitrust Improvements Act of 1976.
- To prevent or dissipate monopoly power that is sought, obtained or maintained through anticompetitive conduct.

III. Basic Program Description:

The purpose of this program is to prevent or dissipate unlawfully acquired or maintained monopoly power and to enjoin mergers that may lessen competition. The potential economic benefits of preventing monopolization or, and undue concentration in, particular markets are substantial. The Division promotes and maintains the competitive structure of the national economy through investigation and litigation of instances of anticompetitive behavior. Monopoly power is sought, obtained, or maintained through anticompetitive conduct and by seeking to acquire or maintain monopoly power through anticompetitive conduct. The program is authorized by the Sherman Act and Section 7 of the Clayton Act. The Division's responsibility for this enforcement program is found in 28 C.F.R. § 40.4(a).

IV. Accomplishments and Workload:

A. Mergers

Section 7 of the Clayton Act, as amended by the Hart Scott Rodino Antitrust Improvements Act of 1976, requires certain enterprises that plan to merge or to enter into acquisition transactions to notify the Antitrust Division and the Federal Trade Commission of their intention, and to submit certain information to those authorities. Hart Scott Rodino premerger notifications provide advance notice of potentially anticompetitive transactions and allow the Division and the FTC to conduct preliminary anticompetitive transactions before they are consummated. See 15 U.S.C. § 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 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2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 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Preservation of Co-
to Market Structure

1. Overview of Merger Activity

In the last year, the number of merger proposals has increased, a trend which is expected to continue. Based on premerger filings, in the last full fiscal year (FY 1994), we received 4,403 filings (up from 3,569 in FY 93) representing 2,301 transactions (up from 1,848 in FY 93). This represents an increase of almost 25 percent over 1993 and 45 percent over 1992. Based upon these values, and current market conditions, the Division anticipates a growth rate of 15 - 20 percent per year through 1996, given the options of such leading investment bankers as Felt, Kohnstyn, a Lazard Freres investment banker who has recently stated that, "no one thinks the current tide will be stemmed anytime soon. The regulatory pressures driving consolidation in industries such as banking, health care and telecommunications have been present for some time. The only missing element is the willingness of the industry to be consolidated." (Wall Street Journal, August 4, 1994, A1). A substantial number of these filings come to the Division through the HSR prenotification process. As shown in the chart below, the number of prenotification filings has increased dramatically over the past few years, and it is the basis for the Division's request for additional revenue (which has increased 25 percent over 1993 and 45 percent since 1992). We estimate that this revenue, if approved, will be used to increase the number of staff, but also the work associated with the review of each proposed merger within the statutorily mandated 30-day period is also increasing dramatically due to the greater complexity of the larger and more international transactions that are being reviewed. The average number of work hours in each initial investigation has jumped from just over 500 hours per matter in 1988, to over 800 hours per matter in 1994. This dramatic increase in the efforts that Division staff must direct to the initial premerger investigative effort, combined with the increasing number of proposed mergers, underlines the Division's critical need for additional resources.

Year	1992	1993	1994	1995	1996	Change	Estimate
Total Premerger Filings	3070	3569	4403	6046	8046	1014	8002
Total Premerger Transactions	1669	1848	2301	2846	3646	829	3174
Post-Scott-Rodino (HSR) Premerger Modifications	1,800	1,940	2,301	2,301*	2,301	—	2,301
Chargemaster, HSR Fee-Generating, Modifications	1,306	1,873	2,146	2,146*	2,146	—	2,146

*For purposes of estimating indirect funding generated by HSR filing fees, these values are estimated in our years to be the same as the last full fiscal year in which actual numbers are available.

In addition to increases in premerger notifications and initial investigative effort, the number of investigations conducted also has increased. Our total merger investigations increased 18 percent from 87 in FY 92 to 109 in FY 94. In FY 95 we project that this number will increase by 24 percent over 1994 and by 49 percent over 1992, to 130 with additional increases projected for 1996. The increased number of investigations has led to more challenges. In FY 94 we challenged 22 transactions, the highest annual number of Division merger interventions since the Division began keeping these statistics. Of the transactions brought in FY 1994, 21 of them have been successfully resolved (by consent decree or by the parties' abandoning the transactions) and one is awaiting a decision from trial court. We expect this trend to continue in 1995 and 1996.

In addition to an expanding caseload, the nature and type of the mergers has also changed. Increasingly, we have encountered mergers involving much larger companies, more high-tech industries, and more international companies. Our caseload has shifted to companies and industries that are subject to more stringent regulatory conditions, and more international companies. (The Wall Street Journal reports that the value of merger transactions has increased 35% over the past year.) In FY 94, the number of transactions has increased 18%. "Huge deals involving \$1 billion or more showed a sharp gain in the first half, there were 15 \$1 billion plus transactions up 20% of the year earlier, there were 136 transactions valued at \$100 million, compared to 94 a year ago. Transactions between U.S. and foreign companies made up 20% of the total mergers." (See Wall Street Journal, July 26, 1994, B6 and August 4, 1994, A1). Changes in the numbers, size and complexity of mergers means that more resources are required to investigate them.

Preservation of Competitive Market Structure

IV. Accomplishments and Workload (continued):

A. Matters (continued)

1. Overview of Matter Activity (continued)

One measure of the increased intensity of these investigations is the number of second requests issued. As measured by the number of second requests for additional information issued in 1990, there were 36 second requests issued compared to 13 in 1989. In 1990, the number of second requests rose 25 percent over 1989 levels. In 1991, the number of second requests issued rose 10 percent over 1990 levels. The number of second requests issued by the Division which have been analyzed by the ATIS/MCCall merger matter alone, over 1000 hours of materials were received and analyzed, in addition to the 400 floppy disks received, analyzed, and evaluated.)

For illustrative purposes, the following is a comparison of the additional resources needed to investigate and prosecute cases more aggressively and successfully, as we have done in the past year. The comparison is made of two investigations that are fairly comparable in their complexity. The first is the acquisition by Nippon Sano K.K. of Sanyo Gas Systems, Inc. That investigation was conducted in 1990 and resulted in the filing of a Section 7 complaint. After taking a motion for a preliminary injunction, the Government dismissed the complaint. The second matter is matter involving a metals industry which, as the result of being able to direct more adequate staffing to, has resulted in good discovery, a strong investigation with clearly established facts, a shorter period of investigation, and likely a favorable result for the Government leading to a stronger marketplace benefiting consumers at the earliest possible time.

Investigation	Nippon Sanyo Gas Systems (1990)	Ongoing Matsushita Investigation (1994)
Starting at time of notification	7 attorneys	7 attorneys
Total costs issued	18	38
Investigation of parties	0	1
Investigation of witnesses or customers	2	11
Investigation of witnesses or competitors	1	20
When testifying expert was obtained	After complaint filed	Shortly before Section 7 complaint would be filed
Use of videotaped deposition	No	Yes

In the past year, the Division has found that early and adequate staffing of investigations has led to the successful resolution of matters and to the settlement of matters without a requirement to enter into protracted and frequently costly suits that, the longer they go, are more likely to produce uncertain outcomes. Moreover, as evidenced in both the recent Microsoft and Waterjet matters, by adequately staffing an investigation at the outset, it is more likely that the Government will have a thorough understanding of all of the facts of the case, leading to an early cessation of Division effort if the investigation is not worth pursuing, or a strong hand with which to pursue settlement negotiations or litigation. As quoted in a recent article in *The National Law Journal*, Division lawyer Phil Wilson, in commenting on the Division's recent successful settlement of the Waterjet matter, said "the process of discovery and the investigation of the parties and witnesses and the review of documents and the review of the market would result in higher quality information and a more thorough understanding of the case. This higher staffing pattern also instrumental in the quick and thorough review of over 500 cases of documents turned over to the Division which, in turn, led to the recent settlement in which the British glassmaker Pilkington PLC settled under a decree that prohibits the company from using its formulas and assertion of trade secrets to block U.S. firms from building plants abroad, and the successful resolution of the Microsoft matter in which Division staff was opposed by a large number of highly respected outside counsel working with a large budget.

Presentation of Case Market Structures

IV. Accomplishments and Workload (continued):

A. Mergers (continued)

2. Telecommunications Mergers

Dynamic changes in telecommunications markets have been accompanied by a wave of merger activity. In 1993 the Division investigated a number of important transactions, including alliances among cable services providers, local telephone companies, long distance and international telephone companies, wireless telecommunication providers, cable programming and equipment manufacturers. As quoted in the Wall Street Journal, August 4, 1993, AT&T, Alex. Mardel, Chief Executive of AT&T's Communication Services Group states, "Cable industry is being fundamentally reshaped and repositioned by technology and globalization." It is exactly this fact that portends great additional work for the Antitrust Division in the years to come. Many mergers and alliances have been proposed in the past year and this is just the start of the reshaping process related to by Mr. Mardel. The following few examples (a through d) demonstrate the Division's workload requirements in this area.

a. AT&T - McCaw

A good example of the significantly more complicated merger transactions the Division is increasingly called upon to investigate is the \$12.6 billion acquisition by AT&T, the nation's largest long distance company, of McCaw, the nation's largest cellular telephone company. The Division began investigating on November 23, 1992 and continued the investigation until the complaint and consent decree were filed on July 15, 1994.

The investigation involved interviews of over 50 people, most of which took one or two days to complete. It also involved about 200 hours of depositions (21 people were deposed for one or more days each). A massive document production was involved: over 1000 boxes of documents and about 400 floppy discs of information were submitted and a document imaging project was established in order to adequately process the data, opening the way for the future use of this technology as funds allow. In addition to the 12 attorneys, 5 paralegals and 4 economists assigned to the matter, additional Division computer personnel, paralegals and attorneys were needed just to help with the management and control of the information.

This investigation involved analysis of anticompetitive effects in three markets: cellular service, cellular infrastructure equipment, and interexchange services. The issues involved were complex. For example, because many of McCaw's cellular service competitors purchased substantial quantities of cellular equipment from AT&T, the merger would give AT&T a vertical relation created through the incentive to disadvantage these "locked-in" competitors and favor McCaw. In addition, because McCaw offered its cellular customers long distance service from a single supplier (AT&T), it could affect competition in the interexchange markets.

b. BT-MCI

A second good example of the complexity of mergers now coming into the Division is BT-MCI. This transaction involved the creation of a joint venture between MCI and BT, the dominant providers of long distance services in the United Kingdom. BT, the British Telecom company, is a government-owned entity and MCI is an American company. The transaction would create a new long distance provider in the UK, a company that would compete with MCI and BT. The vertical relation created through the incentive to disadvantage these "locked-in" competitors and favor MCI and BT would harm US consumers. The vertical relation of a U.S. international long distance provider with a foreign carrier with a monopoly position in its home market was the primary concern. Once again, the issues involved were extraordinarily complex, requiring the staff to develop a sophisticated understanding of the UK's telephone network and telecommunications regulation in the UK. A staff of only seven completed this matter: four attorneys, two economists and one paralegal. Staff obtained substantial quantities of materials (over 400 boxes) some of which were from the UK, and had extensive contact with the UK and EU authorities, including travel abroad to interview witnesses and British government officials.

c. Sprint and AT&T

We are now considering two other transactions that raise the same issues as the BT-MCI matter but with other countries. Sprint has an agreement with Deutsche Telekom, a German telecommunications company, to create a joint venture in Germany. AT&T has an agreement with a number of foreign telecommunications companies. As a result, one staff must investigate telecommunications markets in a number of countries, a highly staff intensive, time consuming and costly process, but one critical to protecting the interests of American consumers, and a major priority of the Administration in protecting access to foreign telecommunications markets for U.S. firms. This type of proposed transaction is expected to continue for years to come, becoming even more complex as the telecommunications industry in both the United States and world wide realign in order to advance technology in this area and in order to remain competitive.

Preservation of Competitive Market Structure

IV. Accomplishments and Workload (continued):

A. Mergers (continued)

4. Special Mobile Radio

This series of 13 transactions involved the nationwide consolidation of all the available radio spectrum allocated for mobile radio. These companies purchased that spectrum, which is now used for dispatch services, to offer mobile telephone service. The transactions raised the question of whether that consolidation would harm consumers of special mobile radio services and required the staff to develop a complete understanding of special mobile radio technology and competition in numerous metropolitan areas across the country.

This investigation opened May 13, 1993. It involved 26 second requests, 145 interviews, 22 depositions, and the review of 310 boxes of documents that were submitted. There were ten law firms, five attorneys, three paralegals and two economists assigned to this matter. As the direct result of the work directed to this matter by the Division, it was served to the benefit of all parties.

5. Hospital Mergers

In the past year there has been an increasing number of hospital mergers. Antitrust investigations of hospital mergers are unusually difficult and prosecution is especially complex. Accordingly, the Division's workload in this area has increased substantially, and is expected to remain high as the hospital industry changes in response to pressures by insurers and employers to reduce health care costs. In 1994 alone, 172 major hospital mergers were proposed. Of this number, 16 had some investigations have been brought, resulting in two challenges.

While the number of investigations may initially appear small, each investigation is tremendously labor intensive. For the most part, hospital mergers are local, and in any given local health care market there are literally hundreds of providers who must be interviewed in order to accurately define the structure of the market. Moreover, the legal issues are very complex. They involve, inter alia, how Federal antitrust laws are affected by state health care reform initiatives, how to balance projected cost savings from consolidating competing hospitals against the certain elimination of hospital competition that led to discounts to many health insurers, and how to define relevant markets in an area in which many hospitals are seeking patients from locations beyond their traditional geographic markets by building low technology outreach clinics such as ambulatory surgery and emergency care. Most of these investigations are coordinated with state antitrust authorities.

The Division needs additional resources so that we may keep up with the ever increasing and critical workload in this area. The following examples highlight many of the complex issues involved.

a. Florida Hospitals

The challenge involved the merger of two Florida hospitals, the United Protestant Hospital and a state attorney general. The investigation, which was conducted in a five month period, was intensive. 80 interviews were conducted, 38 depositions were taken (two video), 30 document CDs were issued, and 235 boxes of documents were received and reviewed (470,000 pages). A staff of only three attorneys, two economists and five paralegals conducted the investigation. Three additional attorneys were added to the staff when it became clear a challenge was likely. The complaint, a brief, and all supporting exhibits were filed on June 8, 1994. One month later the defendants agreed to settle the case. The settlement enabled the parties to combine certain functions, while requiring them to continue to compete so that managed care companies could continue to bargain with them independently, enabling them to obtain discounts on health care services. In this way consumers could benefit twice: by continuing to benefit from the discounts achieved through the competitive process and by getting the cost savings from the consolidations. We then also negotiated the settlement of a related case involving the same parties, so that the defendant had an incentive to settle, and (2) enough information had been obtained to enable us to negotiate a favorable settlement. The result, however, required the dedication of a large number of staff and resources. Many more cases of this type are anticipated.

Preservation of Case - Jim Market Structure

IV. Anticompetitive and Anticompetitive (continued)

A. Market Structure

1. Defendant's Position

This Division challenge involved the merger of two hospitals in Duquesne, Pa., a case that went to trial in October 1984. Like the other mergers discussed, this one used an internalized case-control investigation. Pre-complaint, 77 interviews were conducted, 20 affidavits were reviewed, 16 depositions (all video taped) were taken, and 76 boxes (152,000 pages) of documents were reviewed. Four attorneys, two economists and three paralegals conducted the investigation.

To prepare for trial, 17 more depositions were taken (12 by the defendants), and the staff was believed to have interviewed three economists and three paralegals. Additional resources were devoted to this matter, as we have been adopting effective techniques designed to enhance the chances of winning at trial. These include modes of witness exams (fact and expert), opening statements and closing, preparation of motions in three, multiple requests for admissions, and the assignment of one lawyer responsible for anticipating the defendant's game plan. While resource intensive, this task has enabled the Division to pursue these matters to the benefit of American consumers.

2. Major Case Results - Benefits of and Needs for Additional Staffing

The water rate investigation began on November 8, 1983 and resulted in a complaint being filed on April 4, 1984. It was a case of average complexity and straight forward legal issues. We prepared the case for more intensive, however, than had been done in the past. In terms of pretrial preparation, we conducted 75 interviews, reviewed 13 affidavits, and prepared 13 depositions. Over the course of the case, we reviewed 132,000 documents. Once the case was filed, we increased the number of attorneys to six. We also had four economists and two paralegals working on the matter.

After the complaint was filed, we conducted 100 additional interviews (for a total of 175). We also had scheduled 40 depositions to complete in a two 1/2 week period. These would have taken place in 15 cities and required four teams of lawyers to handle. The vast bulk of these depositions were requested by the defendants who took a very aggressive posture about deposing the government's potential witnesses. In the middle of this deposition program, the defendants abandoned the transaction, a result obtained because they realized we had amassed a significant amount of evidence pre-complaint and were likely to win at trial. This was a notable victory for the Division and pursued at far less cost than would have been the case with long drawn-out litigation as a result of being only marginally prepared.

3. "Tide" Case - First in More Than 18 Years

In the first "Tide" case brought by the U.S. in more than 18 years, in April, 1984, the operator of the largest regional automated teller machine network in the United States agreed to open its ATM network to competition after the Antitrust Division alleged that its monopolistic and exclusionary practices caused more than one thousand banks to pay higher, non-competitive prices for ATM processing. MAC, the dominant ATM network in Pennsylvania, New Jersey, Delaware, West Virginia, New Hampshire, and in large portions of Ohio, handles 82 million transactions a month for 27 million depositions of more than 1,400 banks and 13,000 ATMs. As a result of the action of the Antitrust Division, depositors will have more choices and depository institutions - particularly small banks, thrifts and credit unions - will incur lower costs. The Division is continuing its efforts to restore the participation of these depository institutions and the ATM network.

C. Enforcement of the ATAT Decree

The Division devoted substantial resources in 1984 to the enforcement of the ATAT decree. Where requests, complaints and interpretation matters consumed substantial supervisory and staff time. The workload generated by the decree is illustrated by the fact that in 1984 the Division submitted to the court three requests, 18 requested waivers, as well as 11 filings involving solely exchange area redesigns and 7 procedural filings. The issues that arise under the decree often present complex factual, economic, and legal questions that are critically important to the telecommunications industry. The explosive growth of the cellular telephone business and new technological developments in the equipment used to provide that service have raised a number of issues about what the decree does or should permit. The Bell Operating Companies (BOCs) to do in that area. For example, the Division has devoted considerable time to investigation and analysis of the BOCs' request that all wireless services, including cellular, be exempted from the interpretation and equal access provisions of the decree. Past modifications of the decree, such as the lifting of the information services restriction, have led to new questions of interpretation and requests for further waivers on issues such as the extent to which the interstate restriction affects the provision of information services. The Division expects the need for action on enforcement and interpretation matters to increase as the telecommunications industry transitions from local to regional, national and global networks.

Preservation of Competitive Market Structure

IV. Accomplishments and Workload (continued):

C. Enforcement of the AT&T Decree (continued)

The Division continues to be committed to enforcing the Modified Final Judgment restraints imposed on the BOCs pursuant to the AT&T divestiture, and the Division continues to investigate and respond to a variety of complaints of alleged violations of the decree's line of business and nondiscrimination requirements. As a result of Division enforcement activities, the BOCs have improved their internal compliance procedures.

Staffing needs are projected to expand dramatically in the next year because of important developments in telecommunications. In July, four Bell Operating Companies filed a motion with the Federal District Court in New York City for an order that the AT&T divestiture be reconsidered. The motion is essentially a request for the court to reconsider the divestiture. At its peak (about a two year period), the AT&T divestiture consisted of 54 lawyers and 30 paralegals. With the motion to reconsider, the divestiture will require that large a group. Its staffing needs will be substantial because we will have to determine the current state of competition in local and long distance telecommunications and in telecommunications equipment markets.

D. Civil Merger and Investigations

The Division now has pending 62 active full blown civil investigations. Those in which compulsory process has been issued to the subjects of, or third parties to, investigation encompass 54 new civil investigations were opened in 1984, compared to 19 in 1983, a 300 percent increase. Of the 54 pending civil investigations, 12 are monopolization investigations, 20 are civil merger and antitrust investigations. During the whole of 1983, there were only 3 monopolization investigations.

Major civil non-merger cases that produce major economic impact require a tremendous resource commitment. A failure to commit the necessary resources produces investigations, creates inefficiencies, and deprives consumers and businesses of prompt relief from anticompetitive practices. As a result, the economic benefits of full staffing of these antitrust cases far exceed the modest budgeting costs required. The Pilkington and Microsoft cases demonstrate the resource commitment that is required on major investigations to sustain a credible and meaningful civil non-merger enforcement program. Moreover, as the Pilkington case demonstrates, particularly in contrast to the Microsoft case, inadequate staffing inevitably produces long, drawn out, costly and inefficient investigations.

1. The Pilkington Glass Case

On May 26, 1984, the Division settled United States v. Pilkington plc (D.D.C.). Pilkington increased its float glass technology to the firm most likely to create competing float glass technologies, and continued to advance the technology against competitors for some 30 years after its patents expired. As a result, U.S. firms were excluded from the float glass technology market in other countries where they did not have licenses.

The settlement achieved by the Antitrust Division ended this practice and will thus enable U.S. firms to increase their exports of goods and services used to make glass floats by \$150 million to \$1.25 billion over the next six years. In addition, consumers will benefit from added technological improvements that the settlement should stimulate in the production and quality of the glass used in cars and most buildings.

The investigation that led to this important case and settlement began in April 1980, almost 3 years before the case ultimately was brought. The data was attributable almost entirely to Pilkington's records.

Until September of 1983, up to 3 attorneys, who worked on this matter on a part time basis, negotiated for and gradually reviewed some of the 1,250,000 pages of documents produced by Pilkington and third parties. In September 1983, the staff was increased to 8 full time attorneys and 7 full time paralegals.

In all, 14,000 hours of attorney time, 26,000 hours of economist time, and \$200 hours of paralegal time were devoted to this complex case. With a diversion of attorney hours in the last nine month period of 6370 hours, an amount that almost equaled the total hours spent in the previous 4 1/2 years, along with a fourfold increase in paralegal hours, this very complex matter was brought to a quick and successful conclusion. Some 800,000 documents were reviewed, 40 interviews were conducted, and Pilkington's worldwide licensing conduct from 1982 to the present was documented and organized. By finally being able to appropriately staff this matter with additional lawyer and paralegal resources in 1984, we were able to bring a far-reaching and complex investigation to a successful conclusion. With inadequate staff available with which to pursue this case aggressively, however, the settlement, while successful, required almost 5 years of effort during which time U.S. businesses who export the technology were effectively barred from international markets.

Preservation of Civil Justice Market Structure

IV. Accomplishments and Workload (continued)

D. Civil Non-Merger Investigations (continued)

2. The Microsoft Case

On July 15, 1994, the Division settled United States v. Microsoft (D.D.C.). Microsoft, the world's largest and dominant computer software company, used exclusionary contracts to choke off access to personal computer manufacturers by competing operating systems and preserve its monopoly position. This proposed settlement currently is under review by the court.

Settlement of this case put an end to Microsoft's unlawful practices and imposed restrictions on Microsoft to prevent it from engaging in the future in exclusionary practices designed to produce the same or similar effects. As a consequence of the settlement, civil operating systems will have a fair chance to compete in this high technology market. Innovation will be spurred, consumer choice enhanced, and prices of personal computers lowered. In the course of less than one year, a tremendous amount of information was gathered and analyzed in a highly complex investigation, a complaint was carefully prepared, and a constant decree was negotiated.

Over 1 million documents were reviewed in the course of this investigation. Some 575,000 of those documents were secured through issuance of 21 separate Civil Investigative Demands to Microsoft and third parties. The remaining documents were supplied by the FTC, which had investigated Microsoft for three years, without coming to any conclusion about whether to file a case. The documents were read, coded (based on 17 subject areas), and indexed. A portion of those documents were imaged in a project, which we hope to expand as funds are available, for later computerized retrieval.

Twenty two depositions were taken, the 6 most important of which were videotaped. In addition, several hundred interviews were conducted to secure essential information from Microsoft's computers, manufacturers of personal computers, and independent software companies.

This massive civil enforcement effort employed a large staff of lawyers, economists, and paralegals. A core of 14 full time staff lawyers, 4 full time staff economists, and 18 full time paralegals, all of whom worked long hours, were required in order to complete this matter in less than a year.

Only when the appropriate resources are devoted to investigating and prosecuting major civil antitrust actions can the Division maintain competition and innovation in our important high technology industries, as well as the confidence of consumers and businessmen in the fairness of our economic system.

V. Requested Increase:

A net increase of \$5,880,000 is requested as a net workload related program adjustment for the Preservation of Competitive Market Structure Program in 1995. As with all of the other Division program enhancements in 1995, this request is specific to the Division's workload. The Division's workload is expected to increase significantly in 1995. As the Division continues its efforts to more efficiently perform its mission, we plan to further concentrate government resources on our core activities of investigation and litigation and rely on the private sector to provide improved litigation support functions to help the Division handle its expanding workload. In addition, requested funds will assist in the Division's efforts to improve its document and information management programs and allow for the more efficient and effective processing of the tremendous amount of data that the Division must handle daily.

Total Proposed Workload Increase:

The Division has a large number of ongoing matters involving major segments of the American economy. Staffing in order to adequately pursue these cases is desperately lacking and additional resources are needed to cover these investigations.

Civil workload in 1994 has increased substantially over 1993. The trend in civil workload is expected to continue. Consolidations are proceeding at a rapid pace in such key areas as health care, banking, telecommunications, software, media and entertainment, and the realignment of firms involved in the defense industry.

As seen by the Division and reported by the *Wall Street Journal* (August 4, 1994, A. 1), "The level of (merger) activity is the highest since the leveraged buyout craze of the 1980s." The current round of consolidation seems fundamentally different, however, from the 1980s binge. It is driven in part by strategic concerns among corporate chiefs in some industries: communications and health care, for example. As noted in the same article, "The ramifications will be felt for generations."

V. Requested Increase (continued):

Total Protected Wood is based upon (continued):

- o The old matters that were pursued in 1994 were more complex, involving a wider range of interactive issues including international discovery and changes in statutes and regulatory structure. Additionally, the record in matters investigated in 1994 is much larger and more detailed. This trend will continue and is projected to get more complex.
- o Recent investigations, notably *Pittsburgh and Microsoft*, have potentially demonstrated the cost to American consumers of delay in the enforcement of the antitrust laws. The cost to businesses in the *Pittsburgh* matter can be estimated by the fact that based upon the Division's settlement of this matter in 1994, it is anticipated that U.S. firms will be able to increase their exports of goods and services used in make glass panels by \$100 million to \$125 billion over the next six years. This case, as with others, produces major economic impact. A failure to commit the necessary resources earlier prolongs investigations, creates inefficiencies and deprives consumers and businesses of prompt relief from anticompetitive practices.

11. Benefits to be Derived from Requested Increase:

The requested program growth will allow proactive enforcement of the antitrust laws. The additional resources requested will assist substantially in effective antitrust enforcement and allow the program to remain abreast of increasing workload.

A. Meryem

- The total number of premerger filings has increased almost 25 percent over 1992, and 45 percent over 1992.
- The number of HSR premerger filings with mandated 30-day review period has increased by 25 percent over 1992.
- These trends are expected to continue, with annual estimates of a 15-20 percent increase in both 1995 and 1996.
- The complexity of merger analysis is increasing significantly, as are the number of premerger filings that the Division is receiving that involve international transactions. These international matters require greater precision in both discovery and analysis. (The average number of work hours in each HSR investigation has jumped from just over 500 hours per matter in 1989 to over 600 hours per matter in 1994, a trend that is expected to continue.)
- The 1992 Horizontal Merger Guidelines require an in-depth analysis of anticipated competitive effects resulting from a merger. The Guidelines also contain complex treatment of the issue of entry. These changes reflect current economic learning as well as recent court decisions that require more sophisticated analysis of these issues. Merger investigations and trials are becoming more complex than ever before, requiring the commitment of more resources to each matter.
- The number of investigations has increased in 1994...by 21 percent over 1992...with additional increases projected for 1995 and 1996. In 1994, 22 transactions have been challenged, the highest annual number of Division merger interventions since 1988. The Division began collecting these statistics.
- Importantly, due to more aggressive discovery, review and analysis, 21 of the 22 challenged transactions have been successfully resolved (by consent decree or by the parties abandoning the transactions) and one is awaiting a decision from the trial court. These results, and the prevalence of costly and protracted litigation, underline the critical requirement for additional Division staffing with which to pursue discovery and initial investigative effort.
- The nature and type of mergers is changing, requiring more Division resources to review. Increasingly, the Division is encountering mergers involving much larger companies, more high tech industries (often characterized by rapid technological change), industries subject to complex and often changing regulatory conditions, and multi-national companies. (The Wall Street Journal reports that the value of mergers and transactions has jumped 35% in the second quarter of 1994; the number of transactions has increased 19%. Huge deals are being made in the real estate market, with the most recent being a \$1 billion plus transaction, compared with a 5 year earlier, here in 1989, a \$28 million deal for a \$100 million company.)
- Transactions between U.S. and foreign companies made up 20% of the total mergers. See Wall Street Journal, July 26, 1994, B6 and August 4, 1994, A.1.)
- Changes in the number, size and complexity of mergers means that more resources are required to investigate them.

Preservation of Co-ops Market Structures

VI. Benefits to be Derived from Proposed Increase (continued):

A. Mergers (continued):

- In telecommunications, Division efforts are critical to ensuring free, open and competitive markets in such key areas as transactions and alliances between cable service providers, local telephone companies, long distance and international telephone companies, wireless telecommunication providers, cable programming and equipment manufacturers. Investigations by the Antitrust Division will help insure the lowest competitive costs to American consumers, the stimulus for innovation and product development, and the maintenance of a fair and level playing field worldwide for American businesses and consumers.
- The Division has an important role to play in encouraging and facilitating competition in the health care industry and the professions. In the past, health care has not been a traditional focus of antitrust enforcement. The health care industry has developed a complex system of self-regulation and professional associations. The Division has developed an aggressive multi-faceted enforcement policy with respect to health care mergers. These matters range from criminal health care providers to numerous civil investigations of joint activities by competing providers that may reduce or eliminate competition.
- In health care, where mergers are unusually difficult to analyze and prosecution is especially complex, the Division's work in the next several years will be critical to the reshaping and realignment of America's health care system, the preservation of competition while also providing for an environment in which health care providers can operate in the most cost effective method possible, the development and sharing of new technologies between health care providers in a manner which spurs development and competition while also prohibiting unfair collusion, and the providing of the most competitive, advanced and cost effective system for the benefit of American consumers.

B. Joint Production Ventures:

- New legislation enacted in 1983, promoting joint production ventures will increase the Division's review of National Cooperative Research and Production Act (NCRPA) type things and the amount of staff resources required to examine and, where necessary, investigate these things. The joint production venture legislation clarifies the antitrust laws by confirming that a rule of reason analysis applies to legitimate ventures. This legislation will not immunize joint production ventures from challenge under the antitrust laws, but will reduce any unwarranted deterrent effect of such potential challenges. The Division anticipates that a greater number of cooperative ventures will be initiated, encouraged by enacted legislation designed to clarify antitrust exposure. The procedures in the legislation will result in more pre-transaction screening by the Division because of the extension of the notification process to manufacturing joint ventures in addition to research ventures already subject to review pursuant to the National Cooperative Research and Production Act.

C. Tying

- Additional resources will also allow the Division to continue to pursue "tying" cases, the first of which in more than 10 years was brought by the Division in April 1984. These cases can have a dramatic effect on competition. For example, in the case brought by the Division in April, M.A.C. the dominant ATM network in six eastern states agreed to open its network to competition providing 27 million depositions of more than 1,400 banks and 13,000 ATMs more choices and depository institutions -- particularly small banks, thrifts and credit unions -- lower costs

Preservation of Competitive Market Structure

VI. Benefits to be Derived from Requested Increase (continued):

D. Civil Non-Denier

- in civil non-merger cases, the Division had 52 active full-blown investigations active at the end of 1994, including 54 new civil investigations that were opened in 1994, compared to 18 in 1990, a 300 percent increase.
- Of these civil investigations, 11 were monopolization investigations opened in 1994, an increase of 350 percent over the three opened in all of 1993. This is a major increase in the Division's workload as monopolization investigations are often the most complex and resource demanding matters handled by the Division.
- As a result of this increased enforcement effort, 10 civil non-merger cases, all settled, were filed by the Division in 1994, a 300 percent increase over the 3 cases filed in all of 1993.
- Though economic benefits to consumers and U.S. businesses are at times difficult to estimate, as a result of the recent Microsoft investigation, rival operating systems will have a fair chance to compete in this high technology market. Innovation will be spurred, consumer choice enhanced, and the prices of personal computer lowered.
- In the Division's recent Pilkington matter above, the settlement obtained by the Amtrust Division, which has ended a 30 year exclusionary practice by Pilkington (a British glass company) in the U.S. market, will benefit U.S. consumers. Pilkington's exclusionary practice has cost U.S. consumers an estimated \$1.25 billion over the past 30 years. In addition, consumers will benefit from the added technological improvements that the settlement should stimulate in the production and quality of the glass used in cars and most buildings. With additional resources, the Division could have obtained this result much earlier than the five years of effort that it required, and U.S. firms and consumers could have benefited years earlier.
- As evidenced with the recent Microsoft and Pilkington matters, only when the appropriate resources are devoted to investigating and prosecuting major civil antitrust actions, can the Division maintain competition and innovation in our important highly technology industries, as well as the confidence of consumers and businessmen in the fairness of our justice system.
- Several pending investigations require, as did Microsoft and Pilkington, a staff of at least 5 to 10 full time attorneys. For example, each of our investigations of the monopolization of compact disc technology, of trademarkers' contracting practices, of alleged suppression of fire safe cigarette technology by the tobacco companies, of airline hub pricing, of major credit card companies' marketing through common banks, and of contracting practices in the nation wide sale of hospital beds, to name just a few, require a large staff of attorneys, economists, and paralegals.
- The annual volume of commerce associated with those areas in which we anticipate workload increases is huge and, even using a very conservative one percent value, we estimate that the efforts of the Amtrust Division in this one program area will result in a savings to American consumers of over \$2 billion per year as the result of restrained prices through the deterrent effect of antitrust enforcement.

Policy Analysis Legislators and Training	1995 Availability			1995 Base			1995 Estimate			1995 Increase/Decrease		
	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)	Perm. Pos	Workyear	Amount (\$000)
Direct	57	56	85,153	57	56	86,620	57	56	86,463	-\$157
Indirect	814
Total	57	56	85,153	57	56	86,620	57	56	7,277	657

[illegible]

To enhance the quality of enforcement activities through economic and statistical analysis, to ensure that the objective of increased market competition is vigorously promoted in new legislation and regulation, to ensure that anti-competitive practices involving foreign entities are successfully investigated and to provide critical training for Division employees so that they meet the needs and resources necessary to vigorously pursue allegations of anti-competitive conduct.

To develop sound economic bases for investigations and litigation to ensure that the enforcement program is beneficial to the economy.

- To encourage the submission and passage of legislation promoting a competitive economy and discourage legislation granting unjustified exemptions from the antitrust laws or hampering their enforcement
- To encourage development of international economic policy conducive to fair and open competition among nations
- To enhance the litigation skills of Division attorneys and train support staff in the use of the increasingly sophisticated tools available to the legal community

Policy Analysis, Legislation and Training

IV. Accomplishments and Workload:

A. International Economic Policy

The Department operates in a world of global markets in which sound competition policy is a cornerstone of a free market economy. The antitrust laws of the United States are a model for competition policy the world over, and the enforcement policy of the Department has been influential in shaping the policies of our trading partners. The Division's workload in this area is expanding rapidly, as evidenced below:

1. International Legal Assistance

- New Legislation On July 19, 1994, S. 2287 and H. 4781, the International Antitrust Enforcement Assistance Act of 1994 (IAEAA), was introduced in both the Senate and the House. This legislation, passed and enacted in November 1994, greatly enhances the Division's ability to obtain foreign-located antitrust evidence, and correspondingly imposes on the Division an obligation to obtain U.S. located antitrust evidence for foreign antitrust agencies with which the Department negotiates antitrust mutual assistance agreements pursuant to the IAEA. The Division is orchestrating the negotiation of such agreements with several major foreign antitrust agencies; those foreign agencies will, in turn, have to obtain foreign legislation similar to the IAEA in order to provide the Division with meaningful assistance. The Division anticipates that new agreements with two or three major foreign antitrust agencies will be in force by the end of calendar 1995.

We anticipate that in the early years of such agreements, we will make scores of requests for assistance each year to foreign agencies and receive an equivalent number of requests for assistance from agencies (city, state, or country) very competitive with the SEC and the DOJ. In the first year, the IAEA will require the Division to respond to requests for assistance from foreign agencies (other than SEC and DOJ) and to make requests for assistance from those agencies to which the new IAEA will raise numerous practical and legal issues that will require substantial attorney time over existing requirements. The result of course will be that the Division will be able to obtain foreign-located evidence that it cannot now obtain, and thus will bring international cases that it cannot now bring for want of evidence.

- International Involvement Even in the absence of the IAEA, the work of the Division is becoming more international in scope as world and domestic markets become increasingly intermixed, and as the Division develops close cooperative relationships with foreign antitrust agencies. A large and growing percentage of the Division's merger, cartel, and monopolization investigations each year involves foreign firms as parties or as third-party witnesses. As shown in the following charts, between 1983 and 1994 the number of matters being pursued by the Division involving foreign firms has increased by 1,324%, and the percentage of grand jury and international department matters involving foreign firms has increased by 30% in the same period. The number of matters involving foreign firms has increased by 1,324% between 1983 and 1994. Moreover, the practical and legal issues involved in these international cases require significantly more attorney time than purely domestic cases.

Policy Analysis, Legislation and Training

IV. Accomplishments and Workload (continued):

A. International Economic Policy

3. Japan

The Division has been actively supporting the Administration's objective to ensure international barriers to fair and open trade are eliminated. The Japanese antitrust laws are similar to those of the United States, but enforcement of the Antimonopoly Act, the key antitrust law of Japan, has in the past been sporadic. As a result, there is a perception that price fixing, bid rigging, market allocation and group boycotts occur with some frequency in Japan, and that these practices contribute to the difficulties faced by American companies seeking to penetrate Japanese markets. Talks with the Japanese thus have focused heavily on anticompetitive practices by Japanese firms that have hampered the ability of U.S. firms to compete in Japanese markets, and on efforts by the U.S. to obtain improved antitrust enforcement by Japan.

The Japanese have agreed to stronger enforcement of their Antimonopoly Act, including increased use of criminal enforcement and tougher penalties for antitrust violations. The Japanese have taken action to provide more effective remedies for antitrust violations. The Division has been involved significantly in these evolving policy issues and will continue to be involved in the future.

4. Bilateral Antitrust Assistance Agreements

- European Union (EU). In September 1991, the Department of Justice and the Federal Trade Commission signed a bilateral assistance agreement with the Commission of the European Union (EU). This agreement provides that the parties will cooperate with each other in the enforcement of their domestic competition laws. The Division has primary responsibility for negotiating this agreement on behalf of the Department and is contributing to the new cooperative effort required by the agreement, including the required twice yearly formal consultations. The Division is working with the EU to assess ways in which cooperation in merger and non merger investigations can be enhanced.

- New Mutual Assistance Agreements. Following passage of the International Antitrust Enforcement Assistance Act of 1994, the Division has begun to orchestrate the negotiations of bilateral agreements with several countries. As these agreements are negotiated and put into effect, the Division will assume responsibility for not only pursuing investigations in cooperation with foreign countries, but also responding to requests for assistance by these countries as they pursue investigations concerning American businesses.

6. North American Free Trade Agreement

In December 1993, the North American Free Trade Agreement among the U.S., Canada and Mexico was approved. Division attorneys spent a significant amount of effort participating in the negotiations in order to ensure that U.S. competition interests are well served by the agreement. During the coming years, as implementation issues are considered, the Division expects significant resources will be devoted to monitoring and supporting the NAFTA process.

6. The Department's Antitrust Enforcement Guidelines for International Operations

In 1992 Division officials met frequently with U.S. and foreign government officials and attorneys to discuss various aspects of the Division's International Guidelines, especially the jurisdictional and trade policy aspects. The Division played a crucial role in the Attorney General's decision in mid 1992 to modify the interpretation of footnote 159 of the Guidelines, to allow enforcement action to be taken against anticompetitive behavior in foreign countries that adversely affects U.S. exporters. This determination continues to require intensive involvement by Division attorneys. Internal Division and Departmental attorneys have been holding regular meetings to discuss the impact of potential violations of the Guidelines and to coordinate the Division's response to such violations. The Division has also received draft revisions to the International Guidelines for public comment, proposing that they be improved and focused more on today's international antitrust issues.

7. Implementation of the Omnibus Trade Act of 1988

The Division has taken the lead on behalf of the Department in the interagency process of implementing the Omnibus Trade Act of 1988, which has imposed tight deadlines on the Administration for making important decisions about many aspects of U.S. foreign trade policy. The Division has an important role to play in ensuring that the solutions to trade disputes that emerge from the trade act process should not include government encouraged price fixing and market allocation schemes, and that U.S. trade policy should continue to maximize the extent to which U.S. firms and U.S. markets remain competitive. The Division also seeks to ensure that any competition related provisions that are included in bilateral or multilateral trade agreements are consistent with U.S. antitrust laws and otherwise appropriate.

Policy Analysis Plan and Training

IV. Accomplishments and Workload (continued):

A. International Economic Policy

a. OECD Competition Law and Policy Committee

The Division prepared the United States' Annual Report to the OECD for 1993 and led the U.S. delegation at the Organization for Economic Cooperation and Development (OECD) Competition Committee meetings. The Division initiated and has taken the lead on an important new project on convergence and cooperation in merger reviews and chairs the Committee's working party on international cooperation. OECD consultants, working with antitrust authorities from the United States and other countries have prepared case studies of mergers and other acquisitions that have been reviewed by more than one country. Their report compares the ways enforcement authorities have handled the review of particular matters, with the goal of assuring that the review process is better coordinated among countries; the report also contains recommendations, which the committee will discuss at future meetings. The project has the potential to enhance international cooperation on merger review and lead to broader cooperation on a wide range of antitrust enforcement matters.

b. Joint Discussions with Foreign Governments

The Division has responded to many requests from competition agencies in other countries, including the countries of Latin America and Eastern Europe, for information on U.S. antitrust developments and has met with many foreign competition officials to discuss competition matters. Of particular note in this regard were biannual consultations with the EU and Canadian antitrust authorities; these consultations helped to cement already close relationships between the respective agencies, which have many similar competition concerns.

10. Eastern Europe

The formation of democratic governments in Central and Eastern Europe has prompted requests for advice and consultation on competition policy. Working closely with the Department of State and with funding provided by the Agency for International Development (AID), the Division has been able to implement an assistance program for these emerging democracies. During 1993 and 1994, the Division has provided technical assistance to Poland, Czech Republic, Slovakia, Hungary, Bulgaria, Romania, Lithuania, Latvia, and Estonia. In addition, the Division has sent short term missions to Poland, the Czech Republic, Slovakia, Hungary, Bulgaria, Romania, Lithuania, Latvia, and Estonia. During 1993 and 1994, the Division also hosted week long visits to Washington by the heads of the Polish, Slovak, Hungarian, Lithuanian, and Estonian competition agencies to discuss antitrust issues. The Division's technical assistance program is scheduled to be phased out by 1996, and plans have been made to return the current two staff members providing "in country" assistance to Division litigation efforts.

11. Technical Assistance in Latin American Countries

During 1993 and 1994, the Division has responded to several requests for assistance by Latin American competition agencies. The Division hosted the head of the new Venezuelan agency in Washington to discuss substantive and administrative issues. The cooperative relationship established during that visit led to a letter from Venezuelan President Perez to former President Bush requesting further U.S. assistance to Venezuela on competition issues, and AID provided the Division and the FTC with funding for a number of technical assistance missions to Caracas, and internships in Washington for Venezuelan officials. The Division has sent personnel to Venezuela at the request of the Venezuelan agency to assist and advise on particular areas of antitrust enforcement. Following consultation with AID, we have agreed to continue the assistance program only through 1995, and redirect the one staff year currently dedicated to this program to litigation activities following its termination.

The Division is developing a solid relationship with Mexican competition officials who will enforce that country's new competition law; the Division has hosted Mexican competition officials as interns in 1993 and 1994 and anticipates that Mexico will ask Division officials to provide technical assistance in the coming years.

Policy Analysis, Legislation and Training

IV. Accomplishments and Workload (continued)

B. Domestic Policy

The following are recent examples of the Division's work in shaping, influencing and enforcing policies to protect and preserve competition within the American economy:

1. Health Care - Antitrust Enforcement Policy Statements

The Division continues its major effort to provide antitrust guidance to the health care community through policy statements on mergers, joint ventures, and other collective conduct among hospitals, doctors, and other health care providers. Such guidance is also a major priority of the Administration's health care reform efforts and other supporters of sound antitrust enforcement in the health care area. Six statements were issued jointly with the FTC in 1993 substantial revisions and supplements were issued in 1994. Expanded business review procedures have also been instituted for health care matters, and the number of business review requests continues to grow. The need for additional work in this area will continue for several more years, as health care markets continue to evolve.

2. Intellectual Property Guidelines

The Division is revising its guidelines for antitrust enforcement in the licensing and acquisition of intellectual property. After the public comments are considered and the guidelines are finalized, they will serve both to direct the Department's enforcement efforts and discretion in this critical area and give guidance to the business community. The revision of the guidelines has attracted enormous interest from the business community and the bar. Intellectual property is the driving force of economic progress today and will continue to be so in the next century. It is crucially important that antitrust enforcement policy with respect to intellectual property be both effective and carefully tailored.

3. Sentencing Guidelines

An important ongoing domestic policy project involves implementing key new Sentencing Guidelines for antitrust offenses. Revised Sentencing Guidelines for individual and organizational antitrust violations became effective in 1992. Individual antitrust violators face longer and more certain prison sentences than were previously provided. The Division policy staff worked closely with the Criminal Division and the Sentencing Commission to achieve appropriate antitrust organization's sanctions, as well as strengthened individual sentences for antitrust offenses. The Division continues to assist the Criminal Division in analyzing numerous proposed amendments to the Guidelines. The amount of Sentencing Guidelines work handled by the Division is not expected to decline, given the Guidelines' importance and constant evolution.

4. Proposed Legislation and Response to Inquiries from Members of Congress

The Division's legislative program entails drafting and supporting legislative proposals to amend antitrust laws or other statutes affecting competition, analyzing proposed legislation, drafting, and testimony prepared by other agencies and submitting comments on hundreds of such bills to other Justice Department components, the Office of Management and Budget, and Congress. It also includes preparing testimony to be given on behalf of the Department and the Administration, and coordinating responses to correspondence or other inquiries received from Congress, the White House or other sources. Among important ongoing legislative efforts of the Division are the following:

- Telecommunications Reform. The Division remains committed to the Administration's goal of achieving procompetitive, overall telecommunications reform. Our goals are to promote new competition in local exchange and cable television services, and to open to the Bell Operating Companies lines of business forbidden to them by the Modified Final Judgment in the AT&T case under entry laws and procedures that protect consumers and competitors from discrimination and cross subsidization. During the 103rd Congress, reform legislation passed the House, but not the Senate. Telecommunications reform legislation will be pursued in the 104th Congress. The Division is continuing work on the House version of the bill, and the Administration's interagency working group, and key members of Congress and their staffs in coordination with the White House on these legislative and policy issues.
- ICC Sunset - Antitrust Review of Railroad Mergers. Legislation to sunset the ICC, transferring some its current regulatory authority regarding rail mergers to DOT, but charging the Division with review of railroad mergers under the antitrust laws, likely will be considered by the 104th Congress. A Division representative testified on January 26, 1995, in support of such legislation before the Railroad Subcommittee of the House Transportation and Infrastructure Committee. Several issues regarding such legislation must be resolved by the Congress, and the Division will be working closely with DOT and other interested agencies to secure prompt passage of a bill that will promote competition and efficiency through antitrust review of rail mergers.

Policy Analysis **Plan and Training**

IV. Accomplishments and Workload (continued)

a. Domestic Policy

4. Proposed Legislation (continued)

- **Health Care Legislation** Division staff participated in the development of the Administration's position and legislation on health care reform. Important policy issues regarding possible antitrust exemptions and enforcement were involved in the project. The Division has presented and will continue to present views on behalf of the Administration on antitrust exemptions as subsequent legislation is considered. Major health care reform has been introduced by the Division's working group. The Division is already investing substantial resources to provide guidance in the health care area.
- **Regulatory Exemption Legislation** Serious interest in repealing the antitrust exemption currently enjoyed by professional baseball has been demonstrated by some members of Congress and several bills have been introduced in the 104th Congress. The Division will continue to work on the Administration's position on such proposals. The baseball strike that occurred in 1994 underscores the importance of the current exemption.

5. Enacted Legislation

International Antitrust Improvements Act. The 103rd Congress passed the International Antitrust Improvements Act of 1994. The Act originated as a Division proposal. The Division staff worked closely with the Department of Justice and the FTC, and provided testimony to Congress. The Act provides for the Department of Justice to obtain confidential information about anticompetitive conduct that violates U.S. consumers and businesses. Increasingly, it is located beyond U.S. borders, but often has been out of reach because of legal limitations that have prevented the sharing of antitrust evidence between U.S. and foreign authorities. The Act authorizes reciprocal agreements between U.S. and foreign antitrust agencies to share confidential information and obtain evidence on one another's behalf. The Act passed both houses of Congress less than three months after its introduction, a result of intense efforts led by the Department of Justice to develop statutory language that carefully balanced enforcement needs with legitimate business concerns about safeguarding confidential business information.

National Competitiveness Research, Development, and Production Act. A key proposal enacted in 1993 is providing increased opportunity and protection for precompetitive joint production by American firms to keep pace with foreign competition. The legislation raised a number of general antitrust policy issues as well as the private equity issue. The Division staff worked closely with the Department of Justice and the FTC, and provided testimony to Congress. The Act provides for the Department of Justice to obtain confidential information about anticompetitive conduct that violates U.S. consumers and businesses. Increasingly, it is located beyond U.S. borders, but often has been out of reach because of legal limitations that have prevented the sharing of antitrust evidence between U.S. and foreign authorities. The Act authorizes reciprocal agreements between U.S. and foreign antitrust agencies to share confidential information and obtain evidence on one another's behalf. The Act passed both houses of Congress less than three months after its introduction, a result of intense efforts led by the Department of Justice to develop statutory language that carefully balanced enforcement needs with legitimate business concerns about safeguarding confidential business information.

Other recent legislation has significantly improved and modernized the nation's antitrust laws. Recent changes increased maximum fines for price fixing and bid rigging by corporations and individuals, provided triple damages when it is injured by price fixing or bid rigging, and modernized the prohibitions in Section 8 of the Clayton Act concerning interlocking corporate directorates. The Division had primary responsibility for drafting the proposals and supporting documentation on these issues, coordinating with other Executive Branch agencies in formulating the Administration's position, preparing testimony for Congress on the bills, and, in conjunction with the Department's Office of Legislative Affairs, explaining the proposals to Congressional staff members.

Policy Analysis, Legislation and Training

IV. Accomplishments and Workload (continue)

C. Litigation Skills Training

The Division has instituted a comprehensive litigation skills training program. A litigation skills course modeled on the widely renowned NITA program was initiated, and approximately 200 Division lawyers and hearing economists have participated. As a matter of practice, staff of an investigation now routinely conducts a mock hearing prior to the filing of a complaint. In addition, the Division held a highly successful Senior Litigators' Conference in 1994, which allowed the Division's most experienced litigators to meet to discuss particular problems in trying difficult cases and share possible solutions. Further, training is being provided to the Division's managers so that they may move ahead in challenging their employees to participate as team members, assure that all employees are productive, and focus resources on priority matters.

The training programs that the Division has implemented are in direct response to employee concerns. The Division had a poor win/loss record in the merger cases it litigated during past years, and the Division's managers have worked actively to establish training programs that are providing the Division's litigating teams with the critical edge that they need in order to win against some of the higher paid, top name attorneys in the country. In addition, emphasis on management training is one of the Division's major priorities, to assure that it gets the best out of limited resources.

V. Requested Improvements:

A net increase of \$657,000 is requested as a net workload related program adjustment for the Policy Analysis, Legislation and Training Program in 1996. As with all of the other Division programs, the request is based on the Division's workload for 1995. This is a net increase of \$1,000,000 over the 1994 request. The Division continues to seek to provide efficient, high quality, and cost-effective support functions to help the Division handle its expanding workload. In addition, requested funds will assist in the Division's efforts to improve its document and information management and training programs, providing for improved investigation and litigation management.

Total Projected Need by biennial year:

- o Civil workload in 1994 has increased substantially over 1993. The trend in civil workload is expected to continue. Economic analysis is an essential part of the investigative process and critical to the analysis of a wide range of mergers being proposed in industries such as telecommunications, health care, media and entertainment, software, banking and the transportation industry. The Division's economic analysis provided by the Division's economists who are funded out of this program was critical to the successful resolution of the Microsoft and AT&T/McCormack matters.
- o The civil matters that are being pursued in 1995 are more complex, involving a wider range of interactive issues including international discovery and changes in statutes and regulatory structure. Additionally, the record in matters investigated in 1994 was much larger and more detailed. This trend will continue and likely get more complex.
- o As markets reorganize and restructuring, legislative and regulatory changes will require Division input to ensure that competitiveness is maintained and that the Administration's position is drafted thoughtfully with full regard for existing legal and operating environments.
- o Changes in markets brought about by legislative and judicially mandated actions will require additional work in interpreting these directives by the Division, similar to that required in response to pending telecommunications, health care and interstate banking legislation.

Policy Analysis

VI. Benefits to be Derived from Requested Increase:

New Listings:

The Deliberative legal and economic policy analysis staff reviews activist litigation proposals that present novel, complex legal issues, and provides assistance on policy, procedural and other matters. The staff also reviews and comments on the proposed language under the Copyright Act, the Patent and Trademark Act, and the Business Practices Act. The staff also reviews and comments on the proposed language under the Copyright Act, the Patent and Trademark Act, and the Business Practices Act. The staff also reviews and comments on the proposed language under the Copyright Act, the Patent and Trademark Act, and the Business Practices Act.

The Clinton's legislative program entails drafting and supporting legislative proposals to amend antitrust laws or other statutes affecting competition, analyzing proposed legislation, and preparing reports and testimony prepared by other agencies; and submitting comments on hundreds of such letters to other Divisions, the Office of Management and Budget, and Congress. It also prepares testimony to be given on behalf of the Department and the Administration, and coordinates responses to correspondence and other inquiries received from Congress or forwarded from the White House. Additional resources are necessary in 1995 to keep up with rapidly changing domestic and international markets. Without these resources, significant changes in business operating environments brought about by changing markets and rapidly expanding internationalization of money flows will fall woefully behind, and non-competitive activity affecting a large range of markets serving American consumers will result in higher prices, less competition, and lower innovation.

Handshy Copy:

Assuming that competition and effective antitrust enforcement are part and parcel of meaningful health care reform will have tremendous benefits for consumers, health care providers, and the economy alike. Fostering competition is a primary goal of reform. In order both to control anticompetitive behavior that would increase costs and to promote innovation and efficiency, avoiding anticompetitive antitrust enforcements that would frustrate this goal, while providing antitrust guidance that would increase it, are major priorities.

References

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Policy Analysis, Legislation and Training

VI. Benefits to be Derived from Requested Increases (continued):

International Discovery:

The International Antitrust Enforcement Assistance Act of 1994 (IAEAA), passed and enacted in November 1994, will greatly enhance the Division's ability to obtain foreign located matters involving antitrust and competition law issues. The Division is obligated to obtain U.S. located antitrust evidence for foreign antitrust agencies with which the Department makes antitrust mutual assistance agreements pursuant to the IAEA.

In the early years of this agreement, we plan to make scores of requests for assistance each year to foreign agencies and receive an equivalent number of requests for assistance from those agencies. We further anticipate that making and responding to such requests under the new IAEA will raise numerous practical and legal issues that will require substantial additional attorney time over existing requirements. The result, of course, will be that the Division will be able to obtain foreign located evidence that it cannot now obtain, and thus will bring many international cartel cases that it previously could not bring for want of evidence, but that additional resources will be necessary in order for the Division to pursue the new internationally available information, so critical to the investigation of matters in an increasingly international market place.

International Involvement:

Even in the absence of the IAEA, the work of the Division is becoming more international in scope as world and domestic markets become increasingly intertwined, and as the Division develops close cooperative relationships with foreign antitrust agencies. A large and growing percentage of the Division's merger, cartel, and monopolization investigations each year involve foreign firms as parties or as third party witnesses. Between 1993 and 1994 the number of matters being pursued by the Division and involving international issues has increased by 113%, and the percentage of grand juries with international involvement has gone from 9.3% to 19.4% in 1994, with significant additional increases projected for 1995 and 1996. Moreover, the practical and legal issues involved in these international cases require more attorney time than purely domestic cases.

Events around the globe have resulted in increased demands on the Division as a shaper of international economic policy. Discussions with foreign government officials about trade policy issues are occurring with increasing frequency and have taken on increased importance in our global economy. Antitrust and competition policy are important aspects of such negotiations. Conversely, in the U.S. East, Europe, Japan, Korea, and other areas, many already increasing demands for assistance to guide all parties to international trade and investment. With rapidly changing international market relations, the Division can be expected to be involved in trade economic negotiations with many trading partners in 1995.

Resources devoted to this program to reach procompetitive solutions to the challenges ahead will assure American leadership in the global economy during 1995.

Competition. Casey Program

Competition Addressed Program	1988 Availability			1988 Base			1988 Estimate			Increase/Decrease	
	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear	Amount (000)	Perm. Pos	Workyear
Direct	32	32	\$3,141	32	32	\$3,300	32	32	\$3,300	...	...
Indirect .....	...	...	...	...	...	...	...	...	61	...	...
Total	32	32	3,141	32	32	3,300	32	32	3,361	...	...

1. Base Program Description:

As an advocate of competition, the Antitrust Division seeks the elimination of unnecessary regulation and adoption of the most competitive means of achieving a sound national economy. It is responsible for the enforcement of antitrust laws, which prohibit unfair competition, monopolies, restraints of trade, and price fixing. The Division also enforces laws relating to unfair trade practices, such as false advertising, deceptive sales practices, and unfair competition. The Division also monitors the pending actions of Federal regulatory agencies through review of those agencies' dockets and industry or other publications, and through personal contacts in the industries and in the agencies.

The Division has responsibility for the enforcement of the antitrust laws and the promotion of competition relating to transportation, energy production and transport, agricultural and related commodities, banking, finance, securities, communications, and the professions, including the health care industry, intellectual property rights (U.S. copyrights, trademarks, and patents) and labor antitrust problems. In addition, the Division has responsibility for antitrust enforcement in regard to sports, motion pictures, books and newspapers, pharmaceuticals, and educational institutions. The Division has participated in proceedings before such agencies as the Department of Agriculture, the Federal Maritime Commission, Interstate Commerce Commission, Federal Energy Regulatory Commission, the Department of Agriculture, the Federal Reserve Board, Office of Thrift Supervision, Securities and Exchange Commission, Federal Communications Commission, Federal Trade Commission, Federal Reserve Board, and the Postal Rate Commission. In addition, the Division is responsible for the enforcement of the antitrust laws in connection with the activities of the Federal Reserve Board, the Federal Reserve Bank of New York, and the Federal Reserve Bank of San Francisco. The Division is also responsible for the enforcement of the antitrust laws in connection with the activities of the Federal Reserve Bank of Atlanta, the Federal Reserve Bank of Boston, the Federal Reserve Bank of Chicago, the Federal Reserve Bank of Cleveland, the Federal Reserve Bank of Dallas, the Federal Reserve Bank of Denver, the Federal Reserve Bank of Detroit, the Federal Reserve Bank of Kansas City, the Federal Reserve Bank of Minneapolis, the Federal Reserve Bank of New Orleans, the Federal Reserve Bank of Philadelphia, the Federal Reserve Bank of Portland, the Federal Reserve Bank of Richmond, the Federal Reserve Bank of St. Louis, the Federal Reserve Bank of San Francisco, the Federal Reserve Bank of Seattle, the Federal Reserve Bank of St. Paul, the Federal Reserve Bank of Tampa, the Federal Reserve Bank of Washington, D.C., and the Federal Reserve Bank of New York. The Division is also responsible for the enforcement of the antitrust laws in connection with the activities of the Federal Reserve Bank of Atlanta, the Federal Reserve Bank of Boston, the Federal Reserve Bank of Chicago, the Federal Reserve Bank of Cleveland, the Federal Reserve Bank of Dallas, the Federal Reserve Bank of Denver, the Federal Reserve Bank of Detroit, the Federal Reserve Bank of Kansas City, the Federal Reserve Bank of Minneapolis, the Federal Reserve Bank of New Orleans, the Federal Reserve Bank of Philadelphia, the Federal Reserve Bank of Portland, the Federal Reserve Bank of Richmond, the Federal Reserve Bank of St. Louis, the Federal Reserve Bank of San Francisco, the Federal Reserve Bank of Seattle, the Federal Reserve Bank of St. Paul, the Federal Reserve Bank of Tampa, the Federal Reserve Bank of Washington, D.C., and the Federal Reserve Bank of New York.

Authority for these various activities is found in 28 C.F.R. 80.40, the Federal Civil Liberties Act of 1978, the Department of Justice Act of 1974, 33 U.S.C. § 1606(a), the Antitrust Act of 1914, 43 U.S.C. 82126, the Federal Reserve Act of 1913, 48 U.S.C. 441378-84, the 1982 Bank Holding Company Act, 12 U.S.C. § 1842, the National Housing Act, 12 U.S.C. § 1720a, the Outer Continental Shelf Lands Act, 43 U.S.C. § 1301, et seq.

2. Long-Range Goal:

To eliminate unnecessary or counterproductive governmental interference with free market forces and seek adoption of the most competitive means of achieving overriding social purposes.

Competition Advocacy Program

III. Major Objectives:

- To achieve greater competition in regulated industries
- To stimulate competition in the delivery of professional services
- To reduce or eliminate unnecessary artificial immunities enjoyed by particular industries
- To encourage competition as new technologies are developed
- To prevent or minimize restrictions on free and fair international competition

IV. Accomplishments and Workings:

A. Regulatory Agency Proceedings:

	1992	1993	1994	1995	1996	1997	1998	1999
Meetings on Interagency Task Force	57	96	64	60	60	60	30	90

1. Federal Communications Commission - The Division has been active in a number of proceedings before the Federal Communications Commission (FCC). In these proceedings, the Division has advocated for the removal of telecommunications barriers that are characterized by substantial market power, and the reduction of unnecessary regulatory burdens in areas where competition has developed.
- The Division continues to be involved with competitive issues relating to telecommunications industries. The Division filed comments with the FCC recommending reduction of regulatory restrictions on network ownership of programming and elimination of the pay-to-play prohibition on network ownership of cable television companies. The Division suggested that the robust growth of cable television and the relative decline in importance of the networks sharply reduced the likelihood that the networks would be able to inhibit competition in telecommunications markets. The Division also has filed comments in the FCC's proceeding to establish a regulatory framework for Personal Communications Services (PCS), a new wireless service that may provide competition to existing cellular systems. This area recently has exploded with mergers and has become a major workload area for the Division that is directly affected by the increase in the Division's Market Structure Program. The Division has also encouraged the FCC to allow new firms into the business of providing access to the local telephone exchange markets.
- The Division's competition advocacy efforts at the FCC over the past year were largely successful. During the next year, the Division is likely to continue its participation in ongoing FCC proceedings that present crucial competitive issues for telecommunications, including local exchange competition.

Committee on Energy

IV. Accomplishments and Workload (continued)

A. Regulatory Agency Proceedings (continued)

2. **Energy.** On January 25, 1983, the Division had comments with the Federal Energy Regulatory Commission (FERC) supporting the concept of Regional Transportation Groups (RTGS). RTGS are formed by interconnected utilities and their transmission customers to develop a common market for electricity within a region. It is hoped that properly constituted RTGS will reach negotiated solutions to access issues and avoid unnecessary expensive and time consuming regulatory proceedings. Following passage of the Energy Policy Act of 1992, FERC has made a number of regulatory decisions relating to electric power and natural gas pricing and access issues. These issues have involved many millions of dollars, and the Division has participated in these proceedings assisting FERC in utilizing competition as a means of fostering efficiency and consumer welfare.
3. **Department of Transportation.** The Division is participating in the National Economic Council's (NEC) Interagency Working Group on Civil Aviation. The purpose is to prepare the Administration's response to each of the 61 recommendations of the National Commission to Ensure a Strong Competitive Airline Industry. The blue ribbon Commission has been charged with recommending measures to revitalize the ailing American airline industry. The Commission to Ensure a Strong Competitive Airline Industry is studying a broad range of issues including setting restrictions on foreign ownership of U.S. airlines, enhancing overseas access for U.S. airlines, and reducing barriers to competition. Following frequent fair programs and computer reservation systems that favor the airlines that own them. Demands on the Division's resources in this industry are expected to continue.
4. **Department of Agriculture.** The Division has participated in numerous proceedings before the Department of Agriculture in an effort to persuade it to eliminate or reduce the anticompetitive effects of its market order programs for milk and citrus fruits. These programs impose hundreds of millions of dollars in unnecessary costs on consumers. The Division expects to continue these efforts to reform government regulations and enhance consumer welfare.
5. **Interagency Task Force/Committees**
 - **Telecommunications Interagency Task Force.** The Division is participating in an inter-agency working group that is taking a comprehensive look at telecommunications and information industries. The working group is examining the future of these industries and identifying regulatory issues that may be hindering U.S. competitiveness.
 - **Health Care Barriers.** The Division is leading an inter-agency working group to explore proposals for enhancing the efficiency of the Federal government's procurement of health care services. Other participating agencies include the Department of Health and Human Services, the Office of Personnel Management, Department of the Treasury, and the Department of Commerce.
 - **Oil and Gas Leasing.** The Division is participating in a task force with representatives of the Departments of Interior, Commerce and Energy to assist the Department of Interior in its investigation of allegations of underpricing of crude oil produced from Federal and state oil and gas leases in California. If the allegations have merit, the major oil companies involved may see the United States' substantial amount of additional royalty payments. The role of the Division is to assist Interior in its efforts to determine whether the underpricing was a result of collusion among the major oil companies.
 - **Japan Policy.** The Division is participating in discussions regarding Japan policy under the direction of the National Economic Council (NEC). A DAAG from the Division represents the Department in the meetings, and co-chairs the Working Group on Legislation and Competition Policy. The Division also provides advice in this area on legal matters falling within its responsibilities.
 - **Intellectual Property.** The Division is an active participant on a NEC Interagency task force studying possible legislative proposals regarding intellectual property. The task force also is designed to allow different agencies to coordinate their activities in the field of intellectual property.

Competition Advocacy Program

IV. Accomplishments and Workload (continued)

A. Regulatory Agency Proceedings

6. Interagency Task Force/Committees (continued)

- Aeronautics Industry.** The Division is participating in the NEC working group on the U.S. aeronautics industry. The working group is to prepare a National Agenda for Aeronautics outlining national goals for aerospace and policies for achieving them. Several agencies are providing increased governmental cooperation and support for the industry to increase the capacity of the aeronautics industrial base, to improve the industry's efficiency and safety, and to develop environmentally sound technologies. The role of the Division is to assure that any proposed programs are consistent with the Federal antitrust laws and that policies are adopted that rely on market competition to the maximum extent.
- Aviation.** Representatives of the Division are participating in an NEC working group on the U.S. aviation industry. This body is one of the most restrictive aviation constraints between the U.S. and a major trading partner. The working group is proposing an ongoing series of working sessions to US-UK aviation negotiations. The Division's role in the discussions is to ensure that U.S. consumers' interests in open airline markets are taken into account in evaluating different options.

The Division's best opportunities to protect competitive markets from cartel activity, to make markets more competitive by reducing unneeded regulation, and thus to improve consumer welfare, lie in vigorous pursuit of two major activities: enforcement and competition advocacy. This latter program area serves to support one of the most important components of the Division's mission and has significant potential to benefit business, industry, consumers, and taxpayers hundreds of millions of dollars annually by eliminating or reducing regulatory requirements that discourage change and development associated with competition.

B. Bank Merger Screenings

Participation in Bank Merger Proceedings	1998				1999				2000			
	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total Screenings	1,539	1,673	1,827	2,200	2,200	100	2,300					
Screening Requiring Competitive Analysis	1,141	1,201	1,177	1,500	1,500	100	1,600					

g/ Total screenings include review of bank holding company activities in addition to savings and loan letters, bank holding letters, and merger letters.

Under the Bank Merger Act and the Bank Holding Company Act, the Department has a statutory responsibility to provide the banking regulatory agencies with a report on the competitive effects of all depository institution merger and acquisition transactions that are submitted to those agencies for approval. As shown in the preceding chart, during 1998, the Division reviewed 1,307 bank merger applications. The great majority of the bank mergers reviewed by the Division do not raise any substantial competitive concerns. However, in order to reach any decision on competitiveness, the Division must investigate and analyze these cases thoroughly. The number of these transactions requiring more detailed review and analysis is increasing, and can be expected to increase further as changes in banking laws allow more consolidations in the banking industry. Among the major bank mergers that have been thoroughly investigated by the Division but not challenged were the merger of NCB and C&S/Born in 1998, the merger of Nations Bank, Chemical Bank, Manufacturers Hanover, Commerce Manufacturers National (Detroit), and Barnett - First Florida (Florida). In 1999, the Division has thoroughly investigated and resolved competitive issues by divestiture in the course of the administrative process for transactions involving the Marshall and Isley corporation acquisition of Valley Bancorporation in Wisconsin, the PNC Bank acquisition of First Eastern Bank in Pennsylvania and the Deposit Guaranty Bank acquisition of First Columbia Bank in Mississippi.

Competition any Program

V. Requested Increase:

A net decrease of \$28,000 is requested as a result of absorbing mandatory pay increases for the Competition Advocacy Program in 1996. The absorption of the pay increase (\$89,000) is partially offset by an increase of \$61,000 in Hart-Scott-Rodino filing fee collections. As with all of the other Division program enhancements funded by filing fee collections in 1996, this request is extraneous income.

Total Projected Need is based upon:

- o Workload in 1994 in the Competition Advocacy Program has increased and this trend is expected to continue as markets continue to realign in order to remain competitive both nationally and internationally
- o The matters dealt with by the Competition Advocacy Program in 1994 are more complex, involving a wider range of interactive issues including international discovery and changes in statutes and regulatory structure. This trend will continue and likely get more complex
- o Changes in markets brought about by legislative and judicially mandated strictures will require additional work in interpreting these directives by Federal agencies such as the Federal Communications Commission, the Department of Energy, Transportation and Governmental Affairs, and the Federal Reserve Board. Competition advocates will be requested and critical to ensure that competitiveness is maintained and that the positions are drafted thoroughly with full regard for existing legal and operating environments

VI. Benefits to be Derived from Requested Increase:

The Division endeavors to support its mission by appearing before Congress and in judicial Federal agencies to advocate procompetitive approaches to economic problems, and to develop proposals for restructuring legislative mandates or procedures to eliminate unnecessary or unproductive governmental interference with market forces. Competition is very often strongly preferable to regulation. Government regulation frequently has characteristics and effects that are as harmful to the economic well-being of Americans as private restraints of trade, particularly when such regulation has the purpose of relieving other market forces of their burden. Competition advocates are requested to monitor market failures or overreaching and develop proposals for regulatory reform. Competition advocates are requested to monitor legislative and regulatory proposals that would be illegal under the antitrust laws. When market failures or overreaching are effectively eliminated, with minimum disruption to competitive processes, or other social goals successfully accomplished, the benefits are effectively eliminated.

Workload in this area, critical to the American economy, is increasing as exhibited by an elevation in the number of actions in which the Division is involved, and the critical participation of Division staff in key economic sectors. The additional resources requested will allow the program to remain abreast of increasing workload.

Management Administration

IV. Accomplishments (continued):

Highlights of the past year have included:

A. Enforcement Initiatives

Corporate Leniency Policy Expanded. Issued in August 1993, this revised policy expanded the Division's 1979 policy not only to allow corporations that are the first to disclose their involvement in antitrust violations prior to the beginning of a government investigation and the initiation, to avoid prosecution under certain circumstances, but also to make leniency available to corporations that come forward after the initiation of a government investigation.

Issued Individual Leniency Policy on August 10, 1994, based on the success of the recently issued Corporate Leniency Policy under which 12 companies have offered to cooperate -- one per month, as compared to one per year under the previous policy. As with the Corporate Policy, the Individual Policy will moderate the need for costly investigation and litigation and limit the amount of resources necessary to search for and identify potential violators.

Vertical Restraints Guidelines Withdrawn. These guidelines, which pertained to vertical agreements involving firms within the same chain of distribution of a producer, were withdrawn as they were misleading both to practitioners attempting to counsel clients as well as businesses attempting to conform with the law.

Statements of Antitrust Enforcement Policy in the Health Care Area Issued. In coordination with the Federal Trade Commission, the Division, in September 1993, issued antitrust enforcement policy statements to provide guidance to hospitals and health care providers in what has been the most litigated area of antitrust law. These statements were warmly received by the private health care community and have helped alleviate uncertainty within the industry in making business decisions.

Antitrust Aspects of Defense Industry Consolidation. Guidance issued in April 1994. This publication, developed jointly with the Antitrust Division and the Federal Trade Commission by the Department of Defense, provided the Department of Defense with a more effective process to deal with antitrust issues arising from industry consolidation. As the result of these efforts, guidelines were established to assist with the goal of maintaining competition in the defense industry during a period of readjustment without compromising the quality of the defense industrial base.

Telecommunications Working Group. The Division has participated heavily in the Administration's working group on legislation to modernize America's telecommunications laws. The efforts of this group have led to an initiative to further encourage free entry in all areas of telecommunications, including local exchange service, information services, long distance, and manufacturing, as well as the pursuit of competitive options for voice, data and video communications.

Intellectual Property Guidelines. Major Policy Statement issued for Comment in August 1994. A major effort to clarify the Division's position on intellectual property (e.g., products of creative efforts protected under patent, copyright, mask work, trade secret, and, to a lesser extent, trademark laws) has been ongoing for the past year and has resulted in draft guidance issued for public comment. Because intellectual property will continue to be a major and critical force in America's economy as we enter the next century, this document will be vital to establishing the Administration's policy in this key area.

Management and Administration

IV. Accomplishments (continued):

B. Cooperation and Coordination

Coordination with States

The Division's achievement of close working relationships with state enforcement officials represents a major management accomplishment. Division officials took the initiative to establish a dialogue with the states and respond to their policy concerns, as well as to increase coordination of investigatory process and resources. The result is a more unified and efficient federal and state antitrust enforcement presence across the country, serving to assure conservation of government resources at all levels, deter violations of the antitrust laws, and provide greater consistency in law enforcement policy to enable businesses to flourish. Under this program, the Division will provide assistance to the states in their investigations including making available staff attorneys, economists and financial analysts for consultation.

The following cases illustrate recent Federal State antitrust law enforcement cooperation:

- The Division and the Attorney General's Office of Florida settled a historic, precedent setting hospital merger case. (See description of Florida Hospital merger under Market Structure Program.)
- The Division and the Arizona Attorney General challenged the major dental health plan in Arizona's use of a "most favored nation" clause in contracts with Arizona dentists. The clause had the effect of discouraging the discounting of dentists' fees. The consent decree negotiated by the Division and the Arizona Attorney General, which outlawed the use of these clauses, has nationwide implications because similar contract provisions are widely used in the health care industry.
- The Division and the Attorneys General of Florida and Maryland challenged the merger of two national waste disposal firms. The consent decree requires the divestiture of assets in certain markets in Florida and Maryland and forbids the entry from entering into long-term contracts in certain markets.
- The Division and the Pennsylvania Attorney General completed a joint investigation of resale price maintenance by a national seller of specialty toys for children. The company agreed to pay damages to the Pennsylvania Attorney General's distribution to consumers in the state who purchased the specialty toys and agreed to a consent decree with the Division prohibiting it from, among other things, discouraging resellers' resale prices with dealers or encouraging adherence to them.
- The Division and the Utah Attorney General's Office coordinated investigations of suspected exchanges of nurses salary information by Salt Lake City area hospitals.
- The Division has prosecuted numerous dairies and dairy employees for rigging school milk contracts in 17 states. Close cooperation between the Division and the states has resulted in the imposition of approximately \$64.7 million in fines and the sentencing of 28 individuals to serve a total of 4,864 days of jail.
- The Division is currently assisting the State Attorney General's Office of New Mexico in a gasoline pricing investigation and the State Attorney General's Office of Pennsylvania in a health insurance matter.

The Division also seeks to improve the understanding of antitrust statutes on the part of state prosecutors. For example, in June, a team of attorneys and economists from the Division conducted a seminar on the analysis of health care joint ventures for the Attorney General's antitrust staff in Austin, Texas. This seminar was prompted by a new statute in Texas that requires the Texas Attorney General to analyze the potential competitive impact of joint ventures by health care providers that seek antitrust immunity for their ventures.

Coordination with the U.S. Attorney's

The Division continues to work vigorously to improve its ongoing program of cooperation with state and local law enforcement officials. A key element of this effort is the Division's "cross designation" program under which state and local prosecutors may be specially appointed by the Attorney General to work on specific cases pending in the Antitrust Division and Division personnel may be assigned to work on state cases. This Program has two components: (1) the referral of bid-rigging and price fixing matters with local or regional impact to the states; and (2) the cross designation of state and federal attorneys to assist Division attorneys on bid-rigging and price fixing matters. Such joint enforcement efforts can be very helpful in matters of procedural local concern where local resources can ensure more efficient and successful prosecutions.

Management Information

IV. Accomplishments (continued)

C. Office Automation

The Division continues to direct great effort to its use of automated systems to ensure accurate and timely information and support to its managers and operating staff. In order to provide continued high level of support to the Division, the Division has implemented a number of new systems and procedures. The Division has implemented a number of new systems and procedures, including desktop access to legal and economic research data bases, electronic mail, automated time and attendance reporting for payroll purposes, and management information systems, as well as word processing.

Another essential project included in this program is the development of means to provide increased support to Division professionals when they are working at remote trial sites. With the increasing technological sophistication of both Division staff and the business world in general, access to the evidentiary information developed and stored in the "office" computer is the key to managing and conducting a remote trial. The Division's support staff has developed procedures and software for the provision of portable microcomputers that allow professional and paralegal access to their "home" office system from a remote location. Once the portable terminals are in place, productivity tools can be readily made available to professionals located at remote trial sites. These microcomputers offer support for a wide range of products that expand office capabilities and improve overall effectiveness and efficiency. The Division now offers its remote trial staffs traditional word processing, legal research, electronic mail, time management, spreadsheet, data storage, retrieval capabilities and gateways to other systems to allow Division staff to compete effectively with the private bar. This wider range of available tools not only assures a higher quality of analyzed and related work, but also assures faster access to information necessary to decision making in all phases of remote trial support.

The Division continues its efforts to provide its employees with automated systems capabilities that are complementary with other Departmental components and the core requirements of the next generation of office automation systems as identified in the Department of Justice Uniform Office Automation Project.

D. Debt Collection

In support of its overall goal to collect government debts efficiently, the Antitrust Division follows systematic and effective procedures for collection of court imposed fines, penalties and damages. Collection of civil penalties and damages is handled by the Division directly. The Division's civil debt collection program has been highly successful, with close to a 100 percent collection rate over the past five years. In fact, the court imposed penalties and damages in civil matters have increased significantly. In addition, during 1984, the Division attempted to collect over \$40 million in civil penalties and damages. Criminal fines and penalties are referred to the U.S. Attorney's Office and handled in accordance with procedures established by the Department's Office of Debt Collection.

V. STREAMLINED, IMPROVED UTILIZATION OF EXISTING RESOURCES:

In the last year, the structure and practices of the Division have been changed in a concerted drive to streamline, reduce layers of bureaucracy, flatten management structures, and attain high performance practices. In the Division's version of "reinventing government," the following changes have been effected:

- Redesigning Organization: The Division has applied the techniques of consensus building, early setting of goals and priorities, and "flattening the hierarchy." Responsible management has been encouraged, and the Division has implemented a number of changes to its organizational structure. The Division has implemented a number of changes to its organizational structure, including the creation of a new section for the investigation and identity of new cases and key issues. These efforts have increased efficiency and significantly enhanced the Division's enforcement mission by adding unnecessary effort and by focusing resources only on important matters for investigation and resolution. In addition, many of the paperwork processes formerly required have now been revised, providing for shorter and more effective internal memoranda for such purposes as status reports, case recommendations and requests for compulsory process.
- Realignment of Existing Resources: The Division has realigned the case responsibilities of its litigating sections by type of enforcement, e.g., criminal, merger, and civil non-merger. Previously, the litigating sections were organized around industry expertise, with each section handling a mix of criminal, civil, merger, and regulatory issues. Advantages of the realignment are an increased ability to build specialized expertise in litigating complex antitrust cases, improved management of case priorities and resources, and broadened experience of Division attorneys. Additionally, the Division has created several task forces to enhance its ability to investigate and bring cases involving complex anticompetitive conduct that are not suitable for criminal prosecution.
- Leveraging Resources for the Division: Approximately 80 new paralegals have been hired in the past year by the Division. These paralegals have leveraged the resources of the Division by providing smart, enthusiastic, and capable support, freeing staff attorneys to do professional work and increasing the caseload they can handle. To make maximum use of the new talent, the Division has established a paralegal pool from which resources can be directed as necessary in order to meet workload demands promptly.

Management and Administration

V. STREAMLINING, IMPROVED UTILIZATION OF EXISTING RESOURCES (continued):

- Cooperation with the States: Of additional significance is the Division's program to work more closely with the states, involving cases to them when appropriate, and working in tandem with state attorneys general on matters of mutual interest. This program has met with significant success, including the recent joint filing of a lawsuit by the Division and the Attorney General for the State of Florida, and the transfer of smaller, territory specific matters to the states for coordination.
- Revised International Antitrust Enforcement: The Division has established a 3rd Deputy Assistant Attorney General position for international antitrust enforcement. This Deputy serves to guide the Division's efforts with respect to trade issues, cooperation with foreign competition authorities, international antitrust guidelines and other policy, and international investigations and cases.
- Improvements in Management Effectiveness: The Division has taken a strong lead in providing our managers with the training they critically need in order to effect improvements in the way they manage their divisions. Managers have been provided with a comprehensive management training program, including a series of seminars, workshops, and seminars. This program has been designed to provide a strong foundation for the Division's managers, and to provide them with the tools and techniques necessary to effectively manage their divisions. An aspect of the management and supervision of legal work is providing individual coaching and consultation to both the Division's senior management and each section and office, conducting evaluations of their operations, advising managers to assess their priorities, strengths and weaknesses. Building on this base, Division managers and staffs are being challenged to reassess old operating methods and improve efficiencies. The Division's managers are meeting regularly to discuss how best to pursue changes in the management of the Division and incorporate valuable employee suggestions. These efforts have allowed the Division to keep forward aggressively to ensure that management stays lean and efficient, represents and listens to employees, and broadly pursues changes designed to improve and enhance the Division's enforcement efforts.
- Litigation Skills Training: The Division has instituted a comprehensive litigation skills training program. A litigation skills course modeled on the widely renowned NITA program was held, and approximately 200 Division attorneys and staff participated. This is a major effort of the Division, staff of the Division have been working to develop a new round of the program, and to provide a comprehensive training program for the Division's attorneys and staff. The Division has a high regard for the quality of its attorneys and staff, and the Division has a high regard for the quality of its attorneys and staff. The Division's most experienced litigators are being challenged to discuss particular problems in trying difficult cases and share possible solutions. Further, training is being provided to the Division's managers so that they may move ahead in challenging their employees to participate as team members, assure that all employees are productive, and focus resources on priority matters.

The training programs that the Division has implemented are in direct response to employee concerns. The Division had a poor record in the merger cases it litigated during past years, and the Division's managers have worked actively to establish training programs that are providing the Division's litigating teams with the critical edge that they need in order to win against some of the highest paid, top name attorneys in the country. In addition, emphasis on management training is one of the Division's major priorities, to assure that it gets the best out of limited resources.

Management Administration

VI. Requested Increase:

A net increase of \$622,000 is requested as a net workload related program adjustment for the Management and Administration Program in 1998. As with all of the other Division program enhancements in 1998, this request is neutral as it is funded entirely by Hart Scott Rindoo filing fee collections. At the requested level of funding, the Division could adequately address new and important issues involved in this program area including its essential role in ensuring that the resources of the Division are used effectively. Investigations and cases are managed with an eye toward effective litigation, and also that most effective means of pursuing investigations are used. Further, the additional resources requested will allow the Division to place emphasis on the use of office automation tools to ensure that the tremendous amount of data received and processed by the Antitrust Division is managed efficiently, analyzed thoroughly, and maintained and utilized in the most cost effective manner, both in terms of processing costs and personnel time. As the Division continues its efforts to more efficiently perform its mission, providing the focused use of private sector resources in areas of staff support, we plan to make additional workyears available which, when combined with the requested funding increase, will provide for additional staffing in this program.

Total Projected Need is based upon:

- o Data being received by the Division is increasingly being provided in electronic form and this trend is expected to continue and increase. The ability to manage this data within the Division is severely constrained and must be expanded in order to allow the full benefit of receiving this data electronically and then processing it in consultation with staff attorneys and paralegals so that patterns of anticompetitive conduct can be identified, additional data requests issued as necessary, and a case brought.
- o The manipulation of data by opposing counsel in the Antitrust Bar is getting increasingly sophisticated, and many firms specializing in antitrust have expanded their automation staff. We are increasingly encountering computerized evidence in connection with antitrust litigation. This type of evidence is often voluminous and complex, and the ability to manage this data is becoming more difficult. As the number of cases in which hundreds of thousands of letters and records had to be sorted, reviewed and analyzed, an increasing number of antitrust cases will rely on the ability to process data electronically.
- o As the Division responds to the major changes affecting both domestic and international markets, it will be necessary to keep the span of control of Division managers at such a level that efficient and effective management can be maintained.

VI. Benefits to be Derived from Requested Increase:

Resources from the requested increase in revenue sharing fees income will be dedicated to the increased use of automated systems to that the tremendous amount of data that the Division receives daily in support of its investigations can be processed and reviewed effectively. In the area of litigation support, the Division has expanded both the number and the scope of investigations and cases receiving automated support through minicomputer based systems and computer generated graphics. During the past year, the Division continued its extensive use of statistical analysis methods of important program initiatives to detect and prosecute anticompetitive conspiratorial behavior such as price fixing and bid rigging. In several instances, computer products such as graphic representations of complex pricing patterns have been introduced into evidence and have played a key part in the outcome of the case. The Division continues to expand the use of these products and enhance existing data analysis procedures to ensure accurate and timely information for its attorneys. The Division also has been successful in obtaining and processing machine readable materials from businesses and from Federal and state bidding authorities to provide cost effective analysis of bidding, pricing and market shares. In order to provide a continued and improved level of support to all front line litigators, the Division must move aggressively in the expanded use of automated data management and analysis.

**Anti-Division
Salaries and Expenses
Financial Analysis - Program Changes**
(Dollars in Thousands)

Indirect	Federal Appellate Activity		Termination and Prevention of Private Civil Behavior Program		Preservation of Competitive Market Structure Program		Policy Analysis, Legislation and Training		Competition Advocacy Program		Management and Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades GS 15														
GS 9														
GS 7														
Allocation of Pay Rate														
Total Positions and Annual Rate														
FTE Labor (1)														
Total Work years and Personnel														
Compensation														
Personal Benefits														
Travel of Persons														
Transportation of Things														
USA Mail														
Communications, Utilities, and														
Other Rent														
Printing and Reproduction														
Other Services														
Supplies and Materials														
Equipment														
Total 1996 Program Workyear and Obligation Changes Requested	89		1,159		1,904		814		61		793		8,820	

Lease rate is 25%. Hiring trends indicate that it currently takes the Antitrust Division three months to hire qualified employees.

**Arrests Division
Services and Expenses
Fiscal Analysis**

Base Program		Program Increase	
PROGRAM	INCREASE	PROGRAM	INCREASE
Preservation of Competitive Market Structure	1	No increases requested in the direct appropriation	100.00%
Termination and Prevention of Private Cartel Behavior	2		
Competition Advisory Activity	3		
Federal Appellate Activity	4		
Policy Analysis, Legislation and Training	5		
Management and Administration	6		

Address
 in
 Detail of Personnel
 by Category
 Fiscal Year 1998

Category	1994 Authorized	1995 Appropriation Enacted	1998	
			Program Increase	Total
Direct Attorneys (805)	178	154		154
Paralegal Specialists (950)	85	52		52
Other Legal and Kindred (800 998)	11	11		11
Social Science, Economics and Kindred (100 199)	31	29		29
Gen. Admin., Clerical and Office Services (200 399)	184	148		148
Accounting and Budget (500 599)	7	7		7
Business and Industry Group (1100 1199)	4	4		4
Mathematics and Statistics Group (1500 1599)	1	1		1
Total	451	404		404
Washington U.S. Field	302 149	255 149		255 149
Total	451	404		404
Indirect (Fringe Benefit Attorneys (805)	121	213		213
Paralegal Specialists (950)	31	143		143
Other Legal and Kindred (800 998)	5	5		5
Social Science, Economics and Kindred (100 199)	18	20		20
Gen. Admin., Clerical and Office Services (200 399)	31	63		63
Accounting and Budget (500 599)	3	4		4
Business and Industry Group (1100 1199)	2	2		2
Mathematics and Statistics Group (1500 1599)				
Total	211	450		450
Washington U.S. Field	178 33	417 33		417 33
Total	211	450		450
Grand Total	662	854		854

**Antitrust Division
Salaries and Expenses
Summary of Changes
(Dollars in thousands)**

	Permanent Positions	Work years	Amount
Direct			
1995 Appropriation Enacted	404	391	\$41,016
Presumptive Reduction			-13
1995 Adjusted Enacted Appropriation	404	391	\$41,003
Adjustments to Base			
Mandatory Increases			
1 One Additional Compensable Day			282
2 1995 Pay Rates			1,084
3 Annualization of 1995 Pay Rates			913
4 Within-Grade Increases			448
5 General Salary Level Adjustments			800
6 Health Benefits			61
7 Supplemental Retirement Contributions to OPM			65
8 OSA Rent			92
9 Postage			22
Total Mandatory Increases			3,465
Mandatory Decreases			
1 FERS Savings			264
2 Presumptive Return			12
3 FTR 2000 Savings			321
Total Mandatory Decreases			577
Total Adjustments to base			2,888
1995 Base	404	391	\$41,003
Additional Program Changes			
1995 President's Request	404	391	\$41,003

Address **21**
Department of the Army
Headquarters of Department is Base
(Column in thousands)

		Permanent Positions	Workyears	Amount
	Mandatory increases			
1	One additional compensable day			\$232
	The salary rate for Federal employees is based on 260 paid days. FY 1994 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$252,000 for pay and \$60,000 for benefits)			
2	1995 pay rate			1,084
	This request provides for the proposed 2.2 percent pay rate to be effective in January of 1995 and is consistent with Administration policy. The amount requested, \$1,084,000, represents the pay amounts for three quarters of the fiscal year plus appropriate benefits (\$877,000 pay and \$217,000 benefits = \$1,094,000)			
3	Annualization and increase of 1995 pay rate			913
	This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above 1.6 percent originally requested for the three quarters of the year (\$752,000 for pay and \$161,000 for benefits)			
4	Within grade increases			449
	This request provides for the expected increase in costs of within grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year retirement/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$380,000 for pay and \$69,000 for benefits			
5	General pricing level adjustments			860
	This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increase costs identified result from applying a factor of 10 percent against historical rates. The Government pay rate established through the market system method of pay setting is used as the base rate. Generally, the factor is applied to supplies, materials, equipment, contract with the private sector, printing costs, transportation costs and utilities			
6	Health benefits			61
	The Federal Employees Health Benefits Act (P.L. 93-243) provided that the Government's share of health insurance would be 80 percent of the total cost beginning in 1975. The rate was subsequently increased to 72 percent. The requested increase of \$81,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year			

		Permanent Positions	Workyears	Amount
	Mandatory increases (continued)			
7	Supplemental retirement contributions to OPM For FY 1986 to 1989, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 800 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$63,000 provides for this contribution.			\$63
8	GSA Rent GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$92,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA provided rates.			\$2
9	Postage The United States Postal Service increased their rates by 10.3 percent for first class mail in January of 1986. The cost raised from 29 to 32 cents per stamp. An increase of \$22,000 is requested in 1986 to cover the rate adjustment.			\$22
	Total mandatory increases			3,494
	Mandatory decreases			
1	Federal Employees Retirement System (FERS) Effective October 2, 1984, there was an overall reduction in the amount of required agency contribution for FERS. The law authorized cost savings of 27.3 percent and the non-law enforcement agency bid from 12.8 to 11.4 percent. The estimated decrease is \$284,000.			\$284
2	Procurement savings This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1986 decrease is \$12,000.			\$12
3	FTS 2000 savings This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget prior to implementation, which took into consideration both cost and data services and is an across the board OMB recommendation consistent with the President's commitment regarding administration cost reductions. The 1986 decrease is \$44,000.			\$44
	Total mandatory decreases			\$322
	Total adjustments to base			3,172

**Annual '90
Salaries and
Benefits
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Direct	1994 Actual	1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
Grades and salary ranges							
Executive Level IV	1	\$115,700	1		1		
ES 5	1	116,529	1		1		
ES 4	17	111,839	17		17		
ES 3	2	106,106	2		2		
ES 2	2	101,320	2		2		
ES 1	2	95,535	2		2		
GS 16	136	71,664	120		120		
GS 15	88	60,925	69		69		
GS 14	48	51,557	38		38		
GS 13	19	43,356	19		19		
GS 12	34	36,174	34		34		
GS 11	36	29,898	36		36		
GS 10	12	27,098	12		12		
GS 9	27	24,441	27		27		
GS 8	1	19,495	1		1		
GS 7	7	17,322	7		7		
GS 6	4	15,711	4		4		
GS 5	2		2		2		
GS 4							
GS 3							
1996 pay raise		\$920		\$428		\$441	\$13
Locality pay				281		109	152
Total, Appropriated positions	451	23,392	404	22,736	404	23,238	500
Cost of one additional compensable day							
Lapse	85	2,919	83	1,676	83	1,302	86
Savings due to one less compensable day							374
Savings due to lower pay scales for part of year							10
Net full time permanent	366	20,243	321	20,805	321	21,680	1,085
Other than permanent							
Part time permanent	12	1,856	13	2,172	13	2,282	110
Temporary employment	51	925	56	1,082	56	1,137	55
Other part time & intermittent employment	1	57	1	67	1	70	3
Other personnel compensation	4	223	4	140	4	145	5
Overtime	1	168	1	36	1	36	2
Other compensation							
Special services							
Total, employees & personnel compensation	435	23,472	396	24,341	396	25,678	1,204
Average ES Salary		109,448		109,448		109,448	
Average GS Salary		51,399		51,080		52,204	
Average GS Grade	12.4		12.1		12.1		

**Annual Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class**
(Dollars in thousands)

Direct Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full time permanent	366	\$20,243	321	\$20,805	321	\$21,860		\$1,055
11.3 Other than full time permanent	64	2,838	70	3,321	70	3,489		168
11.5 Other personnel compensation	5	91	5	179	5	188		9
11.8 Special personnel services payments				36		36		36
11.9 Total workyears and personnel compensation	435	23,172	396	24,341	396	25,375		1,034
12.1 Personal services		4,462		3,724		3,152		189
13. Benefits to former personnel		8		8		8		
21. Travel and transportation of persons		2,062		1,608		1,900		92
22. Travel and transportation of things		238		271		285		14
23.1 GSA rent		6,477		6,355		6,827		272
23.2 Rental payments to others		66		16		17		1
23.3 Communications, utilities & miscellaneous charges		1,368		1,269		1,333		64
24. Printing and reproduction		308		214		225		11
25.1 Advisory and assistance services		686		193		203		10
25.2 Other services		3,292		1,111		1,167		56
25.3 Procurement of goods and services from Government accounts		265		213		224		11
25.4 Operation of GOCO's		310		271		285		14
26. Supplies and materials		690		268		282		14
31. Equipment		1,962		1,931		2,029		98
42. Insurance claims and indemnities		1						
Total obligations		45,719		41,065		43,083		2,060
Relation of obligations to outlays								
Obligations		45,719		41,000		43,083		
Obligated balance, start of year		9,776		9,681		7,183		
Obligated balance, end of year		3,681		7,103		9,840		
Adjustments in expired accounts		1,179						
Outlays		50,835		37,501		40,428		

Andrus
Salaries and
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Indirect	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
	Positions & Workyears	Positions & Workyears	Positions & Workyears	Positions & Workyears
Grades and salary ranges	Amount	Amount	Amount	Amount
Executive Level IV				
ES-5	116,520			
ES-4	111,839			
ES-3	106,106			
ES-2	101,520			
ES-1	97,000			
GS-15	71,854			
GS-14	69,925			
GS-13	61,557			
GS-12	43,356			
GS-11	36,174			
GS-10	29,898			
GS-9	27,058			
GS-8	24,441			
GS-7	21,995			
GS-6	19,722			
GS-5	17,827			
GS-4	15,711			
1996 pay rate				
Locality pay	\$576	\$438	435	-81
Total, Appropriated positions	211	14,374	450	239
Cost of one additional compensable day		250	20,131	141
Leave				
Savings due to one less compensable day				
Savings due to lower pay scales for part of year				
Net full-time permanent				
Other than permanent				
Part-time permanent				
Temporary employment				
Other part-time & intermittent employment				
Other personnel compensation				
Overtime				
Other compensation				
Special personal services				
Total, workyears & personnel compensation	208	13,863	445	19,968
Average ES Salary		111,839		
Average GS Salary		48,212		
Average GS Grade	12.2		11.6	

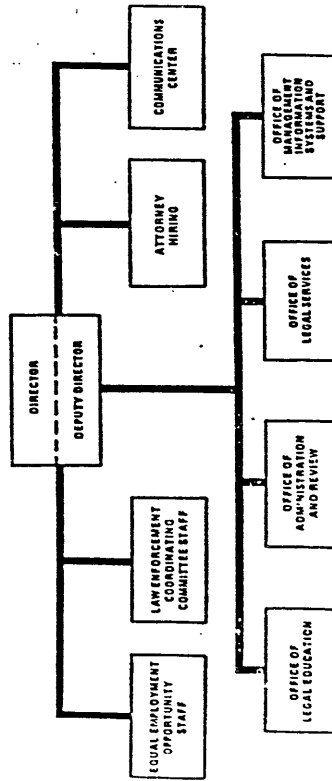
Antitrust Division
Salaries and Expenses
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Indirect Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	204	\$13,758	443	19,389	443	\$19,562	...	\$213
11.6 Other personnel compensation
11.9 Other workyears and personnel compensation
12 Rental equipment	206	13,185	445	19,303	445	19,424	...	119
20 Personnel services	...	2,982	...	5,280	...	5,439	...	159
21 Travel and transportation of persons	...	182	...	887	...	866	...	9
22 Travel and transportation of things	...	107	...	127	...	128	...	1
23.1 GSA rent	...	3,101	...	6,544	...	6,616	...	72
23.2 Rental payments to others	74	...	75	...	1
23.3 Communications, utilities & miscellaneous charges	...	366	...	954	...	975	...	11
24 Printing and reproduction	...	2	...	186	...	188	...	2
25.1 Advisory and assistance services	...	1,195	...	1,976	...	1,997	...	22
25.2 Other services	...	4,245	...	7,967	...	7,469	...	-538
25.3 Purchase of goods and services from Government	94	...	95	...	1
25.4 Operation of GOCO's	86	...	87	...	1
26 Supplies and materials	...	462	...	1,413	...	1,429	...	16
31 Equipment	2,890	...	2,922	...	32
Total obligations	...	26,225	...	48,356	...	48,202	...	-94

Department of Justice
United States Attorneys
Estimates for Fiscal Year 1996
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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



William J. French
 Attorney General
 Date: 8/12/84

UNITED STATES ATTORNEYS
Salaries and expenses
Summary Statement
Fiscal year 1996

The United States Attorneys are requesting, for 1996, a total of 8,129 positions (including 3,851 attorneys) 8,189 workyears, and \$869,042,000. This request represents a decrease of 63 positions (including 32 attorneys), 76 workyears, and \$1,495,000 below the 1996 base.

The United States Attorneys are the principal litigators for the United States Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would illegally further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp those powers, and to assert policies established by the Congress, the Administration and the Attorney General.

The United States Attorneys' appropriation consists of four decision units. They are: Criminal Litigation; Civil Litigation; Legal Education; and Management and Administration. The request for each decision unit is discussed below.

CRIMINAL LITIGATION:

The criminal litigation activity is conducted by 94 United States Attorneys' offices, each of which has the responsibility for the investigation and prosecution of a wide range of criminal behavior. The United States Attorneys request includes an increase of 26 positions (including 13 attorneys), 11 workyears and \$2,159,000 for an Immigration Initiative and a decrease of 66 positions (including 33 attorneys), 66 workyears and \$5,868,000 to meet unfunded payroll requirements.

The United States Attorneys are tasked with enforcement of all violations of the nation's criminal laws. In meeting this mandate, the United States Attorneys maintain the flexibility to implement priorities of the Administration and the Attorney General and also to address emerging crime trends. The principal programs are:

The Violent Crime program addresses a wide-range of violent criminal behavior, including crimes committed by violent repeat offenders. In furthering the Administration's initiatives in the war against violent crime, the United States Attorneys serve as the focal point for anti-violent crime activities within their district. They work with the Federal Bureau of Investigation (FBI), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco and Firearms (ATF), and state and local agencies, and violent crime task forces to ensure that resources are coordinated. The United States Attorney also works with other federal agencies, state and local agencies and community agencies and groups to implement crime prevention programs. Closely tied to the violent crime program is the Narcotics and Dangerous Drug program. Violence is a common means to settle disputes and protect territory by those involved in the drug trade. Operation Weed and Seed continues to be used by United States Attorneys in a two pronged strategy to remove violent gangs, drug dealers and other violent offenders from the community, and then assisting in the providing of stimulus for economic reform. The United States Attorneys are committed to providing continuing leadership in these innovative efforts.

The Economic Crime program is responsible for the prosecution of violators of Federal laws traditionally considered white collar crimes. Fraud, particularly, bankruptcy fraud, health care fraud, insurance fraud, and government program fraud continue to rise and are of major concern to the United States Attorney. A variety of other fraud and property crimes are prosecuted in this program. In addition, criminal prosecutions in appropriate environmental crime cases are a critical component of this program.

The Official Corruption program is one of the Department's most vital tasks because such corruption corrodes the democratic process and the peoples' faith in their public servants. These cases continue to be a high priority of the United States Attorneys because of the

importance of these cases in the overall scheme of our government.

The Other Crimes program covers a broad range of crimes, including civil rights violations, hate crimes, sexual assault, and child abuse and molestation. Protection of the individual rights of all persons, by the administration and the Attorney General has led to renewed emphasis in this program.

The Organized Crime program addresses investigations and prosecutions of those individuals who, as members of organized criminal groups, terrorize their victims through extortion, bribery, kidnapping and murder. The focus of this program has expanded beyond the traditional organized crime groups to include ethnic and other gangs which are growing at an alarming rate.

The Asset Forfeiture program produces revenue for the Treasury through the seizure and forfeiture of the proceeds of criminal activity. In addition to revenue production this program attacks the profits earned through criminal activity.

The Appeals program ensures that conviction and sentences obtained in district courts are defended and upheld.

CIVIL LITIGATION:

Civil Litigation is conducted by 94 U.S. Attorneys' offices, each of which has the responsibility to protect and advance the interests of the United States government through the conduct of civil litigation. The United States Attorneys request includes a decrease of 21 positions (including 11 attorneys) 21 workyears and a decrease of \$3,294,000 to meet unfunded payroll requirements, and an increase of \$6,000,000 for supervision of the 1996 International Union Officer Elections for the International Brotherhood of Teamsters.

The Affirmative Civil program protects the Federal fisc through the conduct of aggressive affirmative litigation. This area includes Health care, Medicare, Securities and Insurance fraud and Environmental cases. The United States Attorneys have implemented the Affirmative Civil Enforcement (ACE) Pilot Project in three districts and will add the program in 22 additional districts. The Pilot Project has demonstrated that the pursuit of federal penalties in the civil realm can not only be an effective law enforcement tool, but can also pay for itself and generate significant income for the United States.

Other Affirmative Civil Litigation aggressively tracks and litigates fraud against the government.

In the Debt Collection program, the United States Attorneys collect monies from individuals and entities who owe the Federal Government billions of dollars in unpaid civil, criminal and tax debts; and, enhance enforcement and collection by the Federal Government of claims for monetary penalties against individuals and entities who violate the federal civil statutes. The Federal Debt Collection Procedures Act of 1990 opens up many avenues for collecting money.

LEGAL EDUCATION:

The Legal Education program is committed to improving the quality of legal representation and services provided by Executive Branch Attorneys and support staff employed by the United States of America. The United States Attorneys request has no change in positions or FTE or dollars.

MANAGEMENT AND ADMINISTRATION:

The Management and Administration program encompasses all of the Executive Office for United States Attorneys (EOUSA) with the exception of the Office of Legal Education. The EOUSA provides general assistance and supervision to the 94 United States Attorneys' offices, and coordinates with the other organizational units of the Department under the direction of the Deputy Attorney General. The request is a reduction of 2 position (including 1 attorney), 2 FTE, and \$491,000 to meet unfunded payroll requirements.

**United States Attorneys
Salaries and expenses**

Justification of proposed changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, [\$829,723,000], of which not to exceed \$2,500,000 shall be available until September 30, [1996] for the purposes of: (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government; Provided, that of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses; Provided further, That not to exceed \$10,000,000 of these funds available for automated litigation support contracts shall remain available until expended; Provided further, that of the [offsetting collections credited to this account, \$100,000 are permanently cancelled]

the total amount appropriated, not to exceed \$10,000,000 shall remain available until expended for the execution of the International Brotherhood of Bookbinders national election. Provided further, that of the total amount appropriated \$15,000,000 shall remain available until expended

[In addition:] for all reasonable and necessary expenses to implement the Attorney General's Violent Crime Task Force Initiatives in the United States Attorney Offices, [\$15,000,000 to remain available until expended] including the reasonable and necessary expenses of intergovernmental, interlocal, cooperative and task force agreements, however denominated, and contracts with State and local prosecutive and law enforcement agencies engaged in the investigation and prosecution of crimes of violence and drug trafficking crimes.

128 U.S.C. 519, 541-550, 48 U.S.C. 1424, 1617, 1694, Department of Justice and Related Agencies Appropriations Act, 1994.

1. The first change deletes one-time language associated with the OSA Rent reductions for reimbursable resources.
2. The second change adds language to allow funds for the supervision of the IBT election to remain available until expended.
3. The third change continues operations of the Violent Crime Task Force Initiatives.

United States
Salaries & Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request As Amended			Congressional Appropriation Actions on			Transfer From HDTA		Reprogrammings			1995 Appropriation Availability	
	Pos	WY	Amount	Pos	WY	Amount	Pos	Amount	Pos	WY	Amount	Pos	Amount
Criminal Litigation.....	6,001	6,005	\$589,220	68	68	\$21,590		\$6,545				6,069	6,073 \$617,345
Civil Litigation.....	1,906	1,952	195,632	24	24	(4,528)						1,930	1,976 191,106
Legal Education.....	26	25	6,924	1	1	153						27	26 7,077
Management and Admini- stration.....	183	207	34,556	1	1	385						184	208 35,041
Subtotal.....	8,116	8,189	826,432	94	94	17,592		6,545				8,210	8,283 850,569
Debt Collection.....													
Total.....	8,116	8,189	826,432	94	94	17,592		6,545				8,210	8,283 850,569

Congressional Appropriations Actions The Congress did not fund the International Brotherhood of Teamsters election enhancement and took a reduction in conjunction with the Vice President's streamlining of procurement initiative. Funding was provided for the restoration of FTE and implementation of the Attorney General's violent crime task force initiative

United States Att.
Salaries and expenses
Summary of Resources by Program
(Dollars in thousands)

	1994 as Enacted		1994 Actual		1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Adjustments to base:												
1995 as enacted.....	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312
Proclamation savings.....	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984
1995 enacted as adjusted.....	4,092	6,328	4,092	6,328	4,092	6,328	4,092	6,328	4,092	6,328	4,092	6,328
Transfer from ONDCP for High Intensity Drug Trafficking Area.....	27	26	27	26	27	26	27	26	27	26	27	26
1995 Availability.....	4,119	6,354	4,119	6,354	4,119	6,354	4,119	6,354	4,119	6,354	4,119	6,354
Transfer to VOTIP.....	5	(5)	5	(5)	5	(5)	5	(5)	5	(5)	5	(5)
Streamlining.....	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)	(13)
Mandatory increases.....	34,339	34,339	34,339	34,339	34,339	34,339	34,339	34,339	34,339	34,339	34,339	34,339
Decreases.....	113,211	113,211	113,211	113,211	113,211	113,211	113,211	113,211	113,211	113,211	113,211	113,211
1996 Base.....	8,192	8,265	8,192	8,265	8,192	8,265	8,192	8,265	8,192	8,265	8,192	8,265
Estimates by Program												
Criminal Litigation.....	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312	6,090	8,312
Civil Litigation.....	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984	1,998	1,984
Legal Education.....	27	26	27	26	27	26	27	26	27	26	27	26
Management & Admin.....	184	208	184	208	184	208	184	208	184	208	184	208
Total.....	8,239	8,312	8,239	8,312	8,239	8,312	8,239	8,312	8,239	8,312	8,239	8,312
Reimbursable Workyears.....	915	915	915	915	915	915	915	915	915	915	915	915
Total Workyears.....	9,227	9,227	9,227	9,227	9,227	9,227	9,227	9,227	9,227	9,227	9,227	9,227
Other Workyears:												
Holiday.....	3	3	3	3	3	3	3	3	3	3	3	3
Overtime.....	48	48	48	48	48	48	48	48	48	48	48	48
AUC.....	76	76	76	76	76	76	76	76	76	76	76	76
Other.....	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306
Total compensable workyears.....	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306	9,306

United States
Reimbursement Sources
Summary of Requirements
(Dollars in thousands)

	1994 Actual			1995 Estimate			1996 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Collections by Source:												
Antitrust Division	\$398	...	...	\$398	...	...	\$398	...	...	...
Bureau of Prisons	34	...	...	...	...	...	...	...	...	...
Bureau of Reclamation	150	...	...	150	...	...	150	...	...	...
Civil Division	29	...	...	...	...	...	...	...	...	...
Criminal Division	725	...	...	776	...	...	776	...	...	...
Department of Energy	27	...	...	...	...	...	...	...	...	...
Department of Housing & Urban Development	600	...	...	284	...	...	284	...	...	...
Department of the Interior	50	...	...	3	...	...	3	...	...	...
Department of the Treasury	54	...	...	...	...	...	...	...	...	...
Environmental and Natural Resources Division	5	...	...	...	...	...	...	...	...	...
Executive Office for OCEDETF	932	895	77,717	912	895	75,287	887	870	76,002	(25)	(25)	\$715
Farmers Home Administration	370	...	...	800	...	...	...
Federal Bureau of Investigation	15	...	...	...	...	...	...	...	...	...
Federal Trade Commission	63	...	...	...	...	...	...	...	...	...
General Services Administration	76	...	...	90	...	...	90	...	...	...
Justice Management Division	33	27	27	10,000	100	100	10,000	73	73	...
Office of Justice Programs/BIA	22	...	...	...	...	...	...	...	...	...
Office of the Attorney General/VI	90	...	...	...	...	...	...	...	...	...
Office of the Independent Counsel	547	...	...	547	...	...	...
Tax Division	36	...	...	...	...	...	...	...	...	...
U.S. Army Corps of Engineers	24	...	...	44	...	...	44	...	...	...
U.S. Customs Service	124	...	...	43	...	...	43	...	...	...
U.S. Department of Agriculture	107	...	...	10	...	...	10	...	...	...
U.S. Marshal Service	738	...	...	62	...	...	62	...	...	...
U.S. Nuclear Regulatory Commission	20	...	...	100	...	...	100	...	...	...
U.S. Postal Service	24	...	...	...	...	...	...	...	...	...
Budgetary Resources	932	895	\$81,161	939	922	\$88,594	987	970	\$89,309	48	48	\$715

United States Attorneys
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1994 Actual			1995 Estimate			1995 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
<u>Obligations by Program:</u>												
Criminal	...	...	\$1,972	...	...	\$1,615	...	...	\$1,615	...	...	...
Civil	...	...	1,371	27	27	11,630	100	100	11,630	73	73	...
Office of Legal Education	...	...	...	...	...	...	...	...	...	...	...	...
Drug Task Force	932	895	77,717	912	895	75,287	887	870	76,002	(25)	(25)	\$715
Management and Administration	...	...	101	...	...	62	...	...	62	...	...	...
Total	932	895	\$81,161	939	922	\$88,594	987	970	\$89,309	48	48	\$715

Justification of Increase/Decrease:

The reduction in OCTDE positions and workyears for FY 1996 is required to absorb increased costs of the program. The increase in the Civil program for FY 1996 is due to the anticipated increase of 73 positions and workyears to be funded from the 3% Debt Collection Fund.

**United States Attorneys
Salaries and expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)**

Activity: U.S. Attorneys	1995 Appropriation Availability		1996 Base		1996 Request		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Criminal Litigation.....	6,069	\$617,345	6,055	\$628,583	6,015	\$624,873	(40)	(\$3,710)
Civil Litigation.....	1,930	191,106	1,927	198,735	1,906	201,441	(21)	2,706
Legal Education.....	27	7,077	27	7,206	27	7,206	0	0
Management and Administration....	184	35,041	183	36,013	181	35,522	(2)	(491)
Total.....	8,210	850,569	8,192	870,537	8,129	869,042	(63)	(1,495)

This budget activity includes resources for the primary mission of the United States Attorneys. Funds for this activity support personnel involved both at headquarters and in the field in the prosecution of individuals charged with violations of Federal law in several areas.

Activity: U.S. Attorneys	1995 Appropriation Availability		1996 Base		1996 Request		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Criminal Litigation.....	6,069	\$617,345	6,055	\$628,583	6,015	\$624,873	(40)	(\$3,710)

LONG-RANGE GOAL: To identify, prosecute, and convict those persons and legal entities who have committed offenses against the laws of the United States.

MAJOR OBJECTIVES:

To maintain our efforts, in cooperation with other federal agencies and state and local authorities, in eliminating neighborhood terrorism by fully utilizing criminal statutes to remove those engaged in violent crime, drug trafficking and other drug-related crime from the streets, in order to provide a safe, nurturing, environment for our citizens and future generations.

To maintain federal law enforcement efforts against white-collar criminals, with particular emphasis on the following areas: a. health care fraud; b. bankruptcy fraud; c. insurance fraud; and d. computer fraud.

To prosecute criminally those who intentionally defile, pollute, and destroy our environment.

To identify, investigate, prosecute and convict those controlled substances violators whose organizations and conspiracies do not meet Organized Crime Drug Enforcement criteria, but whose activities have a major adverse impact on local communities.

To investigate and prosecute violations of civil rights.

To identify, investigate, prosecute and convict those who are criminally involved in: violations of export laws affecting critical technology; and fraud against the United States, with regards to defense programs, housing programs, waste of United States' assets and resources, and abuse of contracts signed with the United States.

To continue our ability to prosecute traditional and emerging organized criminal groups.

To maintain a strong and unwavering presence in the appellate courts, ensuring that the convictions and sentences obtained against criminal offenders are defended and upheld.

To aid victims of crime by keeping them apprised of litigative actions concerning them, and by assisting them in coping with the legal system.

To assist witnesses by preparing them for court appearances, and ensuring that they are coordinated in a manner most advantageous to the government, and to comply with the Victim Witness Protection Act and the Crime Control Act.

To promote coordination and cooperation among all federal, state and local law enforcement agencies through the Law Enforcement Coordinating Committees.

BASE PROGRAM DESCRIPTION:

The United States Attorneys are responsible for the investigation and prosecution of a wide range of criminal activities. The United States Attorneys receive most of their criminal case referrals from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also receive criminal case referrals from state and local investigative agencies. Occasionally, criminal violations are reported to the United States Attorneys by citizens. After careful consideration of a criminal referral or "matter," a United States Attorney decides the appropriateness of bringing criminal charges and, when appropriate, initiates prosecution. Except for misdemeanor offenses and instances in which an alleged offender waives the right to a grand jury indictment, the United States Attorney presents evidence to a grand jury. The grand jurors decide whether to return an indictment. If an indictment is returned, the United States Attorney then presents the criminal charges in open court at the arraignment of the defendant.

Although not all criminal prosecutions are concluded by trial, the United States Attorneys must always be prepared to go to trial. Consistent preparation for trial minimizes the risk of dismissal for noncompliance with the Speedy Trial Act and strengthens the government's position in negotiations with defense counsel for a guilty plea. When a guilty plea is not obtainable, a trial becomes necessary. The United States Attorney then presents factual evidence to convince the jury, or the judge in a non-jury trial, of the defendant's guilt. If the defendant is convicted, the United States Attorney defends the conviction at post-trial hearings and appeals. The United States Attorneys' offices handle most criminal appeals at the intermediate appellate level. After filing a brief, the United States Attorney may be required to participate in oral argument before the United States Court of Appeals. If there is a further appeal, the United States Attorney will call upon to assist the Department's litigating divisions and the Solicitor General in preparing the case for review by the United States Supreme Court.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Criminal Litigation Program are presented in the following table:

Item	1993	1994	1995	Estimate	1996
Matters pending, start of year 1/.....	62,292	60,102	73,038		86,938
Matters received.....	96,675	89,113	90,000		70,000
Matters terminated 2/.....	96,683	86,117	76,000		76,000
Matters pending, end of year.....	64,504	73,038	86,938		100,838
Grand jury proceedings.....	23,757	20,714	20,700		20,700
Defendants charged.....	38,724	38,724	39,400		39,400
Cases pending, start of year 1/.....	37,392	36,478	37,554		38,654
Cases filed.....	36,995	33,307	33,300		33,300
Cases terminated.....	35,809	33,231	32,200		32,200
Cases pending, end of year.....	38,578	37,554	38,654		37,754
Appeals filed.....	8,079	8,767	8,800		3,800
Gross value of assets forfeited (dollars in thousands) 3/..	\$555,700	\$549,933	\$500,000		\$500,000

1/Matters/cases pending at beginning of 1994 adjusted to reflect adjustments made in case management system.

2/Includes cases filed.

3/Includes administrative forfeitures processed by the investigative agencies; judicial forfeitures handled by the U.S. Attorneys' offices; Customs Service forfeitures; and agencies' bidbacks of property.

The criminal litigation program objectives are accomplished through the work of 94 United States Attorneys' offices, each of which has responsibility for the investigation and prosecution of a wide range of criminal behavior. Actual and estimated accomplishments are reflected above.

The following cases are representative of the types of cases prosecuted in FY 1994. These cases serve to illustrate the diversity, complexity, and sensitivity of criminal prosecutions.

United States v. Ames, Eastern District of Virginia: Aldrich Hazen Ames, former Central Intelligence Agency Operations Officer and his wife Maria del Rosario Ames entered guilty pleas to charges of conspiracy to commit espionage and tax fraud. Aldrich Ames was sentenced to life in prison without parole.

United States v. David, et al., Southern District of Florida: Julio David, Sheila De Messer and others unnamed, were indicted for conspiracy to import from Colombia in excess of 25,000 kilograms of cocaine and in excess of 3,000,000 pounds of marijuana over the past several years. The indictment seeks forfeiture of \$755 million in narcotics proceeds. The indictment also seeks the defendants' funds on deposit at the Union Bank of Switzerland. At the Government's request, the Switzerland Government has frozen in excess of \$150 million dollars held on deposit.

United States v. Graff, Southern District of Texas: Joshua David Graff, 19, was sentenced to 37 months imprisonment and three years of supervised release for his arson of a Houston Abortion Clinic. Graff started the fire at the West Loop Clinic by pouring a flammable liquid down the air-conditioning vent a few days after abandoning a previous attempt to firebomb the clinic.

United States v. Mandacina, Western District of Missouri: John A. Mandacina, 47, and Patrick H. McGuire, 52, were each sentenced to life without parole for a series of convictions related to the May 1990 "robber-hire" of Kansas City, Missouri bartender Larry Strada. Evidence presented at trial showed that Mandacina hired McGuire to kill Strada for \$25,000 because Strada had cooperated in a 1989 federal investigation of La Cosa Nostra-backed sports bookmaking operations. Strada was shot eight times in the head and chest by McGuire one morning as Strada emerged from his house to take garbage out to the curb for pickup.

United States v. Stafford, Western District of North Carolina: Terry James Stafford was sentenced to eight years and five months incarceration for conspiracy against civil right, intimidation by force or threat, and use of fire in commission of a felony in connection with the burning of a wooden cross. Stafford and his brother burned a cross near the door of a Dallas, North Carolina mobile home occupied at the time by a white woman and her infant bi-racial daughter.

United States v. Williams, et al., Southern District of Illinois: Darrell Eugene Williams was sentenced to life imprisonment for his part in a conspiracy to distribute crack cocaine in and around the McBride Federal Housing Project in Cairo, Illinois. His organization took over the Vairo, Illinois Housing Project and turned it into a drive-by crack cocaine supermarket. Williams even ran two-for-one drug sales to eliminate his competition. Thirty-five other people have been convicted or agreed to plead guilty for their respective parts in this cocaine conspiracy.

PROGRAM CHANGES:

	1996 Base		1996 Request		Increase/Decrease	
	Perm. FGR.	WY Amount	Perm. FGR.	WY Amount	Perm. FGR.	WY Amount
Criminal Litigation.....	6,055	6,059	6,015	6,006	\$624,873	(40) (\$3,710)

A program increase of 26 positions (13 attorneys), 13 workyears, and \$2,158,000 is requested to address the President's Immigration Initiative. This initiative is focused on the main objective of the first is aimed at strengthening interior deterrence by targeting employer sanctions and documented fraud violations. The United States Attorneys prosecute employers who fraudulently and knowingly hire persons not entitled to be in the United States and who assist these persons in obtaining false documents, and those individuals who sell false immigration documents to persons who are in the United States illegally.

The second objective is to identify, charge, detain and remove deportable aliens. One aspect of this objective will be an increase in detention centers where deportation hearings will be conducted. Another aspect is the use of Judicial Deportations, as provided in the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103-416. Pursuant to this Act, the United States Attorney acting on behalf of the Attorney General, with the concurrence of the Commissioner of the Immigration and Naturalization Service, can request that a District Court Judge in that District issue deportation orders. The United States Attorneys will also handle appeals of the orders filed by the illegal criminal alien.

The United States Attorneys will continue to prosecute those who violate this countries immigration statutes. The United States Attorneys prosecute persons who are in this country illegally, have committed felonies, been deported, and then reenter the United States without permission. Under 8 U.S.C. Section 1324, the United States Attorneys prosecute alien smugglers who have been intercepted by the Border Patrol or State Authorities in a vehicle and are attempting to transport more than six individuals who are not entitled to be in the United States. In these instances, the United States Attorneys prosecute the smuggler who has received, or will receive, monetary gain for transporting the individuals.

A program decrease of 66 positions (33 attorneys), 66 workyears, and \$5,868,000 is required in order to support unfunded payroll requirements.

	1995 Appropriation Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Posl.	WY Amount	Perm. Posl.	WY Amount	Perm. Posl.	WY Amount	WY	Amount
Civil Litigation	1,930	1,976 \$191,106	1,927	1,973 \$198,735	1,906	1,952 \$201,441	(21)	\$ 2,706

LONG - RANGE GOAL: To protect and to advance the interests of the United States through the conduct of civil litigation.

MAJOR OBJECTIVES:

To respond promptly and professionally to all suits brought against the United States, its officers and employees.

To protect the Federal fisc through the conduct of aggressive affirmative litigation, including:

Supporting Federal programs, as necessary, by litigation and negotiation.

Collecting monies owed the United States.

Defending the United States against loss in bankruptcy and other proceedings in which the United States has a financial interest.

Representing the interests of the United States in affirmative and defensive civil environmental litigation.

Aggressively using property forfeiture statutes to seize the assets of drug and other offenders.

Articulating completely and forcefully the positions of the United States on issues pending in the Courts of Appeals.

Recovering losses resulting from savings and loan and bank fraud.

BRIEF PROGRAM DESCRIPTION: As the attorneys and counselors for the United States, the United States Attorneys do a substantial amount of work in civil litigation. Their workload in the civil field includes providing competent legal representation to respond to civil actions brought against the United States, aggressively pursuing civil enforcement of federal laws and regulations, and efficiently recovering federal financial resources. Both affirmative and defensive civil representation are of vital concern to the United States Attorneys as both activities preserve, protect, and defend the interests of the United States and federal resources.

Civil matters and cases consume a significant portion of the United States Attorneys' resources, especially in the areas of recovery of money, defense of monetary claims and debt collection. The litigation brought against the Government covers a range of causes of action, including tort (damage suffered as a result of Government action--e.g., collision with a postal service vehicle, malpractice by a Government physician, invasion of privacy by a Government agent), the determination of social security benefits, tax refunds, contract violations, race, sex, and age discrimination, and habeas corpus. The Government also initiates civil litigation against private parties for a wide range of purposes. These purposes include the recovery of money taken from the Government by fraud, the acquisition of interests in land by eminent domain proceedings, the

enforcement of administrative summonses, the enforcement of environmental, admiralty, civil rights and other laws for which there are civil law penalties, and the recovery of debts owed to the Government.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Civil Litigation program are presented in the following table:

	Estimates		
	1993	1994	1995
Matters Pending Beginning of Year 1/.....	17,501	16,554	16,773
Matters Received	104,390	95,194	96,000
Matters Terminated	103,627	94,975	95,200
Matters Pending End of Year	18,264	16,773	17,573
Cases Pending Beginning of Year 1/.....	117,434	110,081	108,687
Cases Filed	94,092	85,316	85,400
Cases Terminated	91,022	86,710	87,000
Cases Pending End of Year	120,504	108,687	107,087
Appeals Filed	4,391	3,195	3,400
Appeals Terminated	3,849	4,085	4,300
Trials	998	859	920

1/ The Fiscal year 1994 opening inventory of matters, and cases have been adjusted to reflect actual counts from the case management system.

EXPLANATION:

The Civil Litigation program objectives are accomplished through the work of 94 United States Attorneys' offices, each of which has responsibility to respond promptly and professionally to all suits brought against the United States, its officers and employees and to collect monies owed to the United States. Actual and estimated accomplishments are reflected above.

The workload illustrates that the United States Attorneys will continue to prosecute cases at the Fiscal Year 1994 level absorbing the FTE reductions in Fiscal Year 1996. The matters received, terminated and case filed, terminated were down slightly in Fiscal Year 1994. The combination of criminal priorities and the United States Attorneys hiring freeze, which was initiated in Fiscal year 1993 and lifted at the end of Fiscal year 1994, contributed to a slight decline in the civil workload.

The absorption of the 21 mandated FTE reduction is a loss of 11 attorneys or a 1 percent reduction in the attorney workforce. At this reduced level, the United States Attorney's strive to maintain the Fiscal Year 1994 workload levels.

Significant cases handled by the United States Attorneys are presented below.

AFFIRMATIVE MONETARY: Environmental Enforcement, Health Care, and False Claims are categorized within the Civil Program Affirmative Monetary Program or ACE (Affirmative Civil Enforcement).

ENVIRONMENTAL ENFORCEMENT:

In the Central District of Illinois, in *US v. Central Illinois Light Company (CILCO)*, a civil complaint alleged the Central Illinois Light Company committed three violations of the Natural Gas Pipeline Safety Act. The violations were: failure to comply with its own plan of inspection and maintenance between January 1, 1986 and November 12, 1992; the existence of two sets of transmission valve inspection records; and concealment of Leak Survey Inspection Reports from Inspectors of the Illinois Commerce Commission.

In the consent decree, CILCO did not admit any liability or wrongdoing. CILCO agreed to pay a settlement of \$1,000,000 as a fine and cost of investigation. CILCO accepted Illinois Commerce Commission staff's recommended disallowance of \$4,824,563 in a pending CILCO rate case at ICC.

In the Eastern District of California, in *US v. Southern Pacific*, proposed settlements totaling \$38,000,000 were reached between Federal and state governments and Southern Pacific Railroad and other defendants over liability stemming from the July 14, 1991 train derailment and subsequent toxic spill into the upper Sacramento River near Dunsmuir. Southern Pacific will pay the Federal and state government a total of \$30,000,000. General American Transportation Corporation, which owned the tank car, will pay \$5,000,000 and J.M. Huber Company, which leased the car, will pay \$1,000,000.

In the Northern District of Illinois, in *US v. Sequoit Harbor Marina and Smith*, a settlement was reached in a civil suit against Sequoit Harbor Marina, Inc. and Robert F. Smith, its president, which alleged environmental violations under the Clean Air Act and Rivers and Harbors Act at Sequoit Creek empties into the Chain O'Lakes. Under the settlement agreement, Sequoit Harbor Marina, Inc. will pay the United States the sum of \$450,000 which will be used to purchase additional wetlands in the Chain O'Lakes area.

HEALTH CARE/FALSE CLAIMS ACT:

In the Northern District of Georgia, in *US v. T2 Medical*, the government filed a complaint and a consent decree on September 26, 1994, that permanently enjoins T2 Medical, Inc. of Alpharetta, Georgia, from engaging in improper financial relationships with referring physicians. By restricting the physicians from selling their stock, T2 had ensured that the physicians' economic fortunes would be tied to T2's profits, which in turn, relied on patient referrals. In the settlement, in exchange for the payment of \$500,000 to reimburse the government for the damages to Medicare and the costs of investigation (and the requirement that T2 alter its business arrangements), the U.S. has agreed not to pursue further criminal, civil, or administrative sanctions against T2.

In the Northern District of Ohio, in *US v. Mt. Sinai Hospital, Mt. Sinai Hospital* agreed to pay \$472,693 to settle allegations that it violated the False Claims Act by resubmitting claims with a new CPT code after the original claims were denied. In 1992, Community Mutual, the Medicare carrier, denied over 3,800 claims for lack of medical necessity and requested additional documentation to support the claims. Rather than submit the requested documentation, Mt. Sinai changed the CPT code on the claim form from a specific blood test for kidney dialysis patients to a general lab test code. When the claims were resubmitted, Community Mutual paid \$198,000 in claims which had previously been denied.

In the Western District of Texas, in *US v. Ball*, the United States was awarded approximately \$3,000,000 under the False Claims Act against a supplier

of baked goods to the military. After the district court implements the "multiplier" provisions of the False Claims Act the total judgement on the verdict should approximate \$6,000,000. Julian Ball, Sterling Bakery, had several contracts with the military back in 1981 to provide baked goods. The government contended that he made numerous false certifications for payment under the contracts.

COLLECTIONS:

The Central District of California collected an all-time record of \$227,000,000 in cash during fiscal year 1994. The \$227,000,000 is nearly nine times the operating budget of the United States Attorney's office for the Central District. The money came from a string of successful civil and criminal cases, including defense contractor fraud, securities fraud, bank fraud, environmental violations, drug money seizures and Administration loans, and Small Business Administration loans.

PROGRAM CHANGES:

	<u>1996 Base</u>		<u>1996 Estimate</u>		<u>Increase/Decrease</u>	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Civil Litigation	1,927	1,973	\$198,735	1,906	1,952	\$201,441 (21) \$ 2,706

A program increase of \$6,000,000 is requested in support of the International Officer Elections for the International Brotherhood of Teamsters. In addition, a program decrease of 21 positions (including 11 attorneys), 21 workyears, and 3,294,000 is required to meet unfunded payroll requirements. The United States Attorneys will continue to prosecute priority programs as established by the Attorney General and increase productivity whenever possible. Since many of our client agencies have received similar reductions in positions and workyears, we can anticipate some reductions in the number of referrals received. However, it is too soon to measure the impact on the overall justice system.

Supervision of the 1996 International Union Officer Elections for the International Brotherhood of Teamsters

The United States Attorneys are requesting \$6,000,000 in no-year funds for the supervision of the 1996 International Union Officer Elections for the International Brotherhood of Teamsters (IBT).

Pursuant to the 1989 Consent Decree in *United States v. IBT*, the government has the authority to appoint an Independent Election Officer to supervise the International Union Officer Elections at government expense. It is crucial that the government take advantage of this opportunity to supervise the election and keep it free from corruption. The IBT is the single largest trade union in North America and continues to exert extraordinary power through a membership that extends to all sectors of the economy. Control over the union continues to be a valuable prize: corrupt control affects not just the union membership, but the national economy and the public interest.

The 1996 election may be the last opportunity the government has to foster democratic participation of the membership in union governance through intensive election supervision (the 1991 election was supervised by the government at the IBT's expense). The IBT may never again voluntarily subject itself to this sort of scrutiny, and it took the government decades to assemble proof of corruption sufficient to warrant requesting this far-reaching relief from a court.

For more than 30 years, La Cosa Nostra (LCN) has exerted corrupt control over the IBT. Control of the union has meant the ability to extort employers, legitimacy, and political connections and access to millions of dollars. Available evidence strongly indicates that the LCN remains

highly interested in controlling the union. The FBI has been informed that the LCN hierarchy "has already initiated discussions on the manner in which they hope to affect the outcome of the 1996 election process." Irrespective of any plans the LCN currently has for the 1996 election, the danger that Government abandonment of supervision may constitute a "green light" to corruption cannot be ignored.

	1995 Appropriation Availability		1996 Base		1996 Estimate		Increase/Decrease		
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	
Legal Education	27	26	\$7,077	27	26	\$7,206	27	26	\$7,206

LONG RANGE GOAL: To improve the quality of legal representation and services provided by Executive Branch attorneys and support staff employed by the United States of America.

MAJOR OBJECTIVES:

- To provide high quality, cost-effective basic criminal, civil, and asset forfeiture trial advocacy and appellate advocacy training for newly hired and less experienced Federal attorneys.
- To provide high quality, cost-effective criminal and civil Federal practice training for newly-hired DOJ attorneys, with previous litigation experience, and as continuing training for DOJ attorneys after the basic criminal, civil, and asset forfeiture advocacy courses.
- To provide high quality, cost-effective basic criminal and civil trial advocacy training for Executive Branch attorneys serving as Special Assistant United States Attorneys.
- To provide criminal and civil basic trial advocacy training for state and local government attorneys who are participating with the Department of Justice in criminal and civil cooperative efforts.
- To provide high quality, cost-effective specialized criminal and civil substantive law training for those DOJ attorneys concentrating in priority areas, such as: violent crime; health care fraud; financial institution fraud; telemarketing fraud and other economic crime; public corruption; technology crime; asset forfeiture; organized crime; environmental law; affirmative civil litigation; financial litigation and debt collection; medical malpractice; Federal claim defense work; and civil rights.
- To provide high quality, cost-effective advanced advocacy training for Federal attorneys responsible for the litigation of complex criminal and civil cases.
- To provide high quality, cost-effective management training for supervising Federal attorneys and senior litigation counsel.
- To provide high quality continuing legal education programs to Executive Branch attorneys through skills courses such as basic negotiations, alternative dispute resolution and discovery techniques, and substantive law courses such as bankruptcy, Freedom of Information Act, civil agency practice, environmental law, and legal research and writing courses for attorneys.
- To provide high quality, cost-effective training to Federal attorneys in ethics and professional conduct.
- To provide high quality, cost-effective training for Federal paralegal and support staff and, as needed, to provide training in such areas as the Freedom of Information Act, asset forfeiture, financial litigation, debt collection and legal research and writing courses.

To provide video and audiotape lectures and written materials to those Federal attorneys who are located in geographical areas remote from the Office of Legal Education, in order to serve as many Federal attorneys as possible with high quality continuing legal education in a cost efficient manner.

BASE PROGRAM DESCRIPTION: The Office of Legal Education (OLE) develops, conducts, and authorizes the training of all Federal legal personnel [28 C.F.R. § 0.22 (1990)]. OLE coordinates all legal education and attorney training for the Department of Justice and all other departments and agencies of the Executive Branch. OLE pursues its mission through the administration of two institutes - the Attorney General's Advocacy Institute (AGAI) and the Legal Education Institute (LEI). These institutes carry distinct, yet compatible, training missions. Attendance at AGAI courses is usually restricted to Department of Justice personnel, primarily Assistant United States Attorneys, while LEI training programs are open to all Executive Branch personnel.

Public Law 102-140 provided authority and funding to "accommodate the relocation of OLE to a site on the campus of the University of South Carolina where legal education training shall be provided to Federal, state, and local prosecutive and litigative personnel." As required by this same public law, the Department of Justice submitted a report concerning the relocation of the legal education program to the Appropriations Subcommittee on March 5, 1992. A relocation site has been identified and a cooperative agreement was executed between the Department and the University on July 19, 1993. A preliminary site study was performed by Ellerbe Becket, Inc., an architectural firm. Their findings are favorable. An architectural and engineering design contract was executed between the Department and Robert A.M. Stern and Wilson/Tate Architects in calendar year 1993. A contract for construction management services was signed early in calendar year 1994.

AGAI is the primary vehicle for providing instruction to Department of Justice attorneys and Assistant United States Attorneys from the 94 United States Attorneys' offices located throughout the 50 states, the District of Columbia and the territories of Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands. In addition, AGAI extends an invitation through the National Association of District Attorneys and the National Association of Attorneys General to state and local prosecutors, who express an interest in attending advocacy and Federal practice courses. Basic programs for newly hired attorneys include criminal, civil, asset forfeiture advocacy, appellate courses, Federal practice seminars, and specialty courses in priority substantive areas of the law. Advocacy skills programs are available to new and advanced trial attorneys. The Federal practice program is designed for attorneys with litigation experience who are new to the Federal legal system (e.g. former state and military prosecutors), and as continuation training for DOJ attorneys after the basic criminal, civil, and asset forfeiture advocacy courses.

AGAI uses experienced Federal trial and appellate attorneys as instructors for all its programs to present lectures, lead discussion groups, direct evidentiary exercises, and offer personalized critiques. Federal judges also participate at AGAI's advocacy courses, presiding over mock trials and mock appellate arguments. The caliber of the AGAI faculty and the use of sophisticated video-taping facilities provide students with unique training experience in trial and appellate advocacy. A significant feature of the advocacy training is the use of "learn-by-doing" exercises which concentrate on courtroom skills. The exercises simulate courtroom activities and provide students with classroom critiques and individual video feedback while AGAI holds sessions at its "adquarters" as well as other locations around the United States. Finally, the large attorney workforce has resulted in high demand for attorney management training for senior criminal and civil attorneys. AGAI has tried to meet that challenge by providing management courses for attorney supervisors of all levels in the United States Attorneys' offices.

AGAI operates a video tape lending library for United States Attorneys' offices. Select courses offered by AGAI are videotaped and made available on request to United States Attorneys' offices. In addition, commercially produced tapes by recognized legal experts have been purchased by AGAI, and the tapes are sent to United States Attorneys' offices upon request to supplement their in-house training programs.

LEI directs its programs on Federal civil and administrative law and practices to all attorneys in the Executive Branch, including those in the Department. LEI offers training in civil discovery and trial techniques, negotiation techniques, administrative law areas such as bankruptcy, the Freedom of Information Act, ethics, environmental law, Federal employment, regulatory processes, government contracts, legal research and writing

for attorneys, management of attorneys, and computer law. These courses are held at both the LEI facility, (which accommodates 60 students) and local hotel facilities (which accommodate 100 to 150 students). Administrative and judicial training skills for agency attorneys are patterned on the "learn-by-doing" method. Course instruction emphasizes the real-life practice of attorneys from every agency, including the Department of Justice, are participants as well as advisors, curriculum developers, lecturers, and instructors. LEI also contracts with professional educators as instructors.

LEI develops and administers paralegal courses covering basic and advanced skills in both civil and criminal law. These courses are offered to personnel of United States Attorneys' offices, the Department of Justice, and agencies in the Executive Branch. Support staff training for personnel in United States Attorneys' offices is provided through LEI, which develops the curricula, recruits instructors, and assists local offices with administering the courses. LEI also provides administrative support, including hotel negotiations, for conferences held by other segments of the Executive Office for United States Attorneys. In addition, LEI operates a video tape lending library which provides commercially produced lectures on advocacy skills to government agencies upon request.

Continuing Legal Education (CLE) credit is provided through OLE for all OLE courses.

ACCOMPLISHMENTS AND WORKLOAD									
OLE Number of Student and Instructor Days									
AGAU Attorney Student and Instructor Days	1995	1996	Change	1996	1996	1996	1996	1996	1996
LEI Attorney Student and Instructor Days	46,534	46,534	0	46,534	46,534	0	46,534	46,534	46,534
LEI Paralegal/Support and Instructor Days	23,378	23,378	0	23,378	23,378	0	23,378	23,378	23,378
	11,096	11,096	0	11,096	11,096	0	11,096	11,096	11,096
	12,070	12,070	0	12,070	12,070	0	12,070	12,070	12,070
AGAU Attorney Training (Number of Student Days)	1394	1394	0	1394	1394	0	1394	1394	1394
Criminal Trial Advocacy, Total Student Days	982	982	0	982	982	0	982	982	982
U.S. Attorney Personnel	780	780	0	780	780	0	780	780	780
DOJ Divisions	152	152	0	152	152	0	152	152	152
DOJ Other	0	0	0	0	0	0	0	0	0
Other Agencies	65	65	0	65	65	0	65	65	65
State and Local	50	50	0	50	50	0	50	50	50
Specialized Criminal, Total Student Days	9,901	9,901	0	9,901	9,901	0	9,901	9,901	9,901
U.S. Attorney Personnel	8,970	8,970	0	8,970	8,970	0	8,970	8,970	8,970
DOJ Divisions	7,553	7,553	0	7,553	7,553	0	7,553	7,553	7,553
DOJ Other	752	752	0	752	752	0	752	752	752
Other Agencies	185	185	0	185	185	0	185	185	185
State and Local	169	169	0	169	169	0	169	169	169
Federal Practice (Criminal and Civil), Total Student Days	21	21	0	21	21	0	21	21	21
U.S. Attorney Personnel	1,644	1,644	0	1,644	1,644	0	1,644	1,644	1,644
DOJ Divisions	1,491	1,491	0	1,491	1,491	0	1,491	1,491	1,491
DOJ Other	24	24	0	24	24	0	24	24	24
Other Agencies	48	48	0	48	48	0	48	48	48
State and Local	78	78	0	78	78	0	78	78	78
Civil Trial Advocacy, Total Student Days	1,350	1,350	0	1,350	1,350	0	1,350	1,350	1,350
U.S. Attorney Personnel	1,130	1,130	0	1,130	1,130	0	1,130	1,130	1,130
DOJ Divisions	715	715	0	715	715	0	715	715	715
DOJ Other	1,027	1,027	0	1,027	1,027	0	1,027	1,027	1,027
Other Agencies	78	78	0	78	78	0	78	78	78
State and Local	39	39	0	39	39	0	39	39	39
Specialized Civil, Total Student Days	3,802	3,802	0	3,802	3,802	0	3,802	3,802	3,802
U.S. Attorney Personnel	3,186	3,186	0	3,186	3,186	0	3,186	3,186	3,186
DOJ Divisions	260	260	0	260	260	0	260	260	260
DOJ Other	154	154	0	154	154	0	154	154	154
Other Agencies	148	148	0	148	148	0	148	148	148
State and Local	52	52	0	52	52	0	52	52	52
Appellate Advocacy, Total Student Days	1,096	1,096	0	1,096	1,096	0	1,096	1,096	1,096
U.S. Attorney Personnel	966	966	0	966	966	0	966	966	966
DOJ Divisions	120	120	0	120	120	0	120	120	120
DOJ Other	...	...	0	...	...	0	...	...	...
Other Agencies	...	...	0	...	...	0	...	...	...
State and Local	12	12	0	12	12	0	12	12	12

AGAI Management, Total Student Days	1,377	1,648	1,314	1,748	0	1,374
U.S. Attorney Personnel	1,353	1,632	1,929	1,929	0	1,929
DOJ Divisions	24	12	14	14	0	14
DOJ Other			5	5	0	5
Other Agencies			0	0	0	0
State and Local			0	0	0	0
Subtotal AGAI Student Days	21,226	19,330	18,407	18,407	0	18,407
AGAI Attorney Training (Number of Instructor Days)						
Criminal Trial Advocacy	654	504	672	672	0	672
Specialized Criminal	1,205	1,232	946	946	0	946
Federal Practice (Criminal and Civil)	893	734	534	534	0	534
Civil Trial Advocacy	990	732	1,220	1,220	0	1,220
Specialized Civil	874	696	603	603	0	603
Appellate Advocacy	774	649	486	486	0	486
AGAI Management	344	332	510	510	0	510
Subtotal AGAI Instructor Days	5,124	4,775	4,971	4,971	0	4,971
Total Number of AGAI Courses	85	86	90	90	0	90
LEI Training (Number of Student Days)						
Attorney Training, Total Student Days	7,277	6,323	7,281	7,281	0	7,281
U.S. Attorney Personnel	458	372	430	430	0	430
DOJ Divisions	767	712	820	820	0	820
DOJ Other	321	390	449	449	0	449
Other Agencies	5,713	4,814	5,543	5,543	0	5,543
State and Local	18	34	39	39	0	39
Paralegal/Support Staff, Total Student Days	6,520	6,366	11,318	11,318	0	11,318
U.S. Attorney Personnel	5,107	5,075	8,868	8,868	0	8,868
DOJ Divisions	808	212	289	289	0	289
DOJ Other	442	1,060	1,434	1,434	0	1,434
Other Agencies	2,072	1,841	2,491	2,491	0	2,491
State and Local	100	178	240	240	0	240
Subtotal LEI Student Days	15,806	14,689	18,599	18,599	0	18,599
LEI Training (Number of Instructor Days)						
Attorney Training	1,376	1,394	1,605	1,605	0	1,605
Paralegal/Support Staff	432	356	752	752	0	752
Subtotal LEI Instructor Days	1,808	1,950	2,357	2,357	0	2,357
Total Number of LEI Courses	93	63	67	99	0	99
Attorney Videotaped Lectures, Total Student Days	2,086	1,630	2,200	2,200	0	2,200
Total Number of Videotaped Lectures	93	99	100	100	0	100

EXPLANATION:

The Office of Legal Education (OLE's) workload shows the number of student and instructor days rather than the number of courses. Some of OLE's courses are eleven days in length and other courses are one to three days in length. By showing the number of course days, the volume of training is more accurately reflected. In addition to personnel from the United States Attorneys' offices, the workload includes training provided to employees of the DOJ Divisions, employees of other organizations of the Department of Justice (e.g. DEA, FBI, U.S. Marshals Service), other federal government agencies, and state and local government agencies.

The specialization and complexity of federal legal practice, along with recent statutory changes in both civil and criminal law, have created a need for OLE to shift their emphasis to specialized training. Passage of the Americans with Disabilities Act, FIRREA, and other statutes which facilitate the collection of monies due the United States, changes in case law affecting Asset Forfeiture and the yearly amendments to the Federal Sentencing Guidelines require that DOJ attorneys receive the most training possible in these areas to ensure that they take the lead in federal court practice. Courts traditionally look to Assistant United States Attorneys and other DOJ attorneys to provide leadership in federal court practice. In order to maintain this standard of excellence, increased training is necessary for these attorneys. OLE is in a unique position to deliver this specialized training and will meet those needs given adequate staff.

The specialized legal training provided by OLE prepares attorneys for the unique areas of federal practice. This training is not available in law schools or in the private sector. It is provided by OLE at a cost substantially less than that of comparable private sector training. The emphasis on CLE is critical to the effective representation of the United States and to the advancement of the Department's criminal and civil initiatives. Specialized courses are also necessary to satisfy mandatory CLE requirements applicable in 37 states.

From FY 1993 to FY 1994, the overall OLE workload decreased 7.46%. With mandated FTE reductions in FY 1994, the basic criminal and civil trial advocacy courses in AGAI decreased from seven to four. Other introductory training (appellate advocacy courses and federal practice seminars) decreased from eleven total courses to nine. Student days for the basic trial advocacy courses and the other introductory training decreased by 24.4 percent. AGAI specialized civil and criminal training remained relatively unchanged (13,703 student days in FY 93 versus 13,035 in FY 94) due to the continued specialization and more experienced workforce, and the change in administration which necessitated additional specialized training to meet new priority areas. The increase in AGAI Management training from FY 93 to 94 will meet the needs of the 606 attorney supervisors on-board in the United States Attorneys' offices.

LEI total courses decreased from FY 93 to FY 94. Total courses (excluding videos) decreased from 93 to 83. This decrease is based on changes in agency needs, resulting primarily from the current federal hiring freeze. Also, during FY 94, LEI is in the "off year" of four courses that are conducted on an every-other year basis. These courses are: the Americans with Disabilities, Computer Law, Computer Acquisition, and Land Acquisition.

From FY 1994 to FY 1995, the overall OLE workload increased by 9.2 percent. The total student and instructor days increased from 42,597 in FY 94 to 46,534 in FY 95, a difference of 3,937 days. Despite the lack of new hires and the increasingly experienced workforce, the workload increased from FY 94 to FY 95 due to the continued emphasis on specialized training and the change in the administration's priorities.

Civil and criminal specialty training in AGAI will remain unchanged in FY 95. These specialty training courses remain an important part of the AGAI training schedule. As in FY 93, the workforce now employed by the United States Attorneys' offices is carrying an ever-increasing caseload with the same number of attorneys and support staff. This means that attorneys and support staff will need to work more efficiently to accomplish the mission of the United States Attorneys' offices. The specialized training offered by AGAI will enable the workforce to accomplish that task. Stated for inclusion in specialty training are such courses as, violent crimes, health care fraud, environmental crimes, evidence for experienced criminal

litigators, civil rights, public corruption, complex prosecutions, advanced financial institution fraud, narcotics, affirmative civil enforcement, medical malpractice, economic crimes, death penalty, child sex abuse, and debt collection. As in other years, the specialized training is expected to remain constant because of ongoing concerns such as amendments to the federal sentencing guidelines and the need to satisfy mandatory continuing legal education requirements.

LEI's training schedule will increase from FY 94 (from 81 courses to 99). The primary reason for this increase is that FY 95 will be the year that the rotating courses will be conducted and an increase in paralegal/support staff training which has been designated a priority by the administration.

From FY 1995 to FY 1996, the overall OLE workload is expected to remain constant.

LEI training in FY 96 will represent the "off-year" cycle in which four courses are not offered during an every-other-year rotation. However administration priorities, such as paralegal/support staff training, alternative dispute resolution training, and negotiation skills training will offset that decrease. As a result, LEI training will remain unchanged for FY 96.

1995 Appropriation	Availability		1995 Base		1995 Request		Increase/Decrease					
	Per.	Pos.	Per.	Pos.	Per.	Pos.	Per.	Pos.				
Management and Administration.....	184	208	\$35,041	183	207	\$36,013	181	205	\$35,522	(2)	(2)	(\$491)

LONG-RANGE GOAL: To provide direction and appropriation of resources to the United States Attorneys and to respond promptly and efficiently to the administrative and management needs of the 94 United States Attorneys' offices.

MAJOR OBJECTIVES:

- To provide management and policy assistance, direction, and liaison to the Offices of the United States Attorneys in direct support of their litigative responsibilities.
- To represent the interests of all United States Attorneys in the development of Department of Justice policy and to support system-wide consistency in the conduct of federal litigation.
- To formulate and execute an operating budget to satisfy the operational needs of United States Attorneys' offices.
- To formulate and implement personnel management policy.
- To provide the administrative support necessary to obtain adequate space and equipment.
- To participate in the design and implementation of a Department-wide caseload management system and to make available optimum office technology for the United States Attorneys.
- To provide policy direction that will result in optimal efficiency in the collection of debts owed the Government.
- To monitor, promote and facilitate the activities of the United States Attorneys' offices as they address the Attorney General's priority prosecution areas.
- To formulate and implement Equal Employment Opportunity plans.
- To coordinate the successful implementation of all 94 district Law Enforcement Coordinating Committees (LECC).
- To provide technical assistance for implementation of the Victim and Witness Protection Act of 1982 and the Victim Rights and Restitution Act of 1990.
- To provide the technical support necessary to obtain telecommunications services.
- To conduct performance evaluations of each United States Attorney's office approximately every three years.

BASE PROGRAM DESCRIPTION: The Management and Administration program encompasses all of the Executive Office for United States Attorneys (EOUSA) with the exception of the Office of Legal Education. The EOUSA provides general assistance and supervision to the 94 United States Attorneys' offices and coordinates with the other organizational units of the Department under the direction of the Deputy Attorney General.

The BOUSA provides United States Attorneys offices with the automated information systems necessary to achieve Department objectives and to ensure efficient use of resources. The Evaluation and Review Staff conducts office evaluations and assists United States Attorneys in recognizing and correcting areas of personnel management. The staff ensures that proper management controls are in place. Through the Office of Legal Counsel, BOUSA provides legal advice to United States Attorneys on matters such as legislation, statutes, regulations and Departmental guidelines. Legal Counsel is also responsible for grievance administration and employee discipline. The staff monitors the Department's processes and all Freedom of Information Act requests on behalf of the United States Attorneys' offices and manages a discrimination complaint program. The BOUSA implements affirmative action programs within the United States Attorneys' offices and oversees the Equal Employment Opportunity (EEO) Unit. The Financial Litigation Staff of the BOUSA provides direction and oversight to United States Attorneys in the conduct of their debt collection activities and has direct responsibility for the policies related to the collection of criminal fines. The BOUSA Law Enforcement Coordinating Committee (LECC)/Victim Witness (VW) Staff oversees and provides technical assistance to both the "LECC" and "VW" programs in each United States Attorneys office. Making this program a priority of the Department to enhance coordination and cooperation with Federal, State and local law enforcement, BOUSA provides assistance and training for United States Attorneys' offices. BOUSA also provides assistance and training to all United States Attorneys' offices in implementing their statutory responsibilities to assist victims and witnesses in criminal cases. The Regional Staffs are responsible for the exercise of personnel management authority within the BOUSA and the United States Attorneys' offices. The Regional Staffs authority includes all phases of personnel operations such as recruiting, classification, performance management, personnel systems and policy development. The acquisition and renovation of space as well as procurement of all equipment, furniture, supplies and material are program functions of the Facilities Management and Support Services Staff. The Financial Management Staff formulates and executes a budget for all 94 United States Attorneys' offices and itself. The formulation process includes any need for amendments, supplements, realignments and transfers. Through the Priority Program Staff, the BOUSA provides assistance to prosecutors in the priority areas of financial institution fraud, violent crime, computer fraud, health care fraud and other initiatives which require special programs and the administration. Finally, the Telecommunications and Technology Development Staff provides technical support in the acquisition of voice and data communications and video conferencing services.

ACCOMPLISHMENTS AND WORKLOAD: The Management and Administration workload of the United States Attorneys follows:

	1993	1994	1995	1996
Financial Management Staff				
a. Relocation actions processed.....	171	280	400	200
b. Training/presentations/site visits.....	58	58	58	58
c. Expert witness requests.....	1,050	646	603	603
d. AG briefings/district profile.....	65	65	65	65
e. Technical assistance/oral communication.....	68,000	68,000	69,000	69,000
f. Financial transactions records.....	21,000	21,000	78,100	8,100
Office Automation Staff				
a. Project EAGLE district implementations.....	2	1	...	...
b. Project EAGLE additional office implementations.....	...	9	7	7
c. Project EAGLE relocations.....	25	24	40	25
d. Project EAGLE major system enhancements.....	...	9	9	9
Case Management Staff				
a. District implementation of TALON.....	5	1	1	...
b. District implementation of new case management system.....	...	...	4	70
Personnel Staff				
a. AUSA appointments (conversions).....	180	263	200	200
b. Non-attorney appointments.....	267	305	300	300
c. Other Personnel actions proposed.....	68,046	55,985	50,000	50,000
d. Security actions processed (except adjudications)*.....	1,869	1,568	1,500	1,500
e. Personnel management evaluations.....	3	12	16	17
Financial Litigation Staff				
a. U.S. Attorneys' cash collections (\$8000).....	532,390	841,384	1,051,730	1,343,427
b. Number of returns offset.....	7,900	8,378	8,478	8,478
c. Dyncorp vouchers processed.....	1,272	2,040	2,140	2,140
Priority Programs				
a. Financial institution fraud reports.....	16	20	20	10
b. Project Triggerlock reports.....	13	13	13	15
c. Weed and Seed reports.....	13	13	13	20
d. Ad hoc/Congressional reports.....	18	18	20	6
e. White House citizen correspondence.....	...	150	100	90

* Includes background re-investigation program work (front end, not adjudication).

Item	Estimate			
	1992	1993	1994	1995
Facilities Management and Support Services				
a. Space renovations and security systems.....	885	885	885	900
b. Requisitions for services and goods processed by BOUSA.....	928	928	928	900
c. Procurement actions completed by field offices.....	119,055	107,595	107,595	110,000
Legal Counsel				
Immigration Office				
a. Matters Opened.....	1,551	1,650	1,850	1,850
b. Matters closed.....	1,450	1,550	1,700	1,700
c. Telephone calls.....	7,800	8,000	8,000	8,000
d. SAUSA appointments and extension actions completed.....	2,684	2,800	2,500	2,500
Labor & Employee Relations				
a. MSPB appeals.....	5	15	22	22
b. Performance rating grievances.....	32	40	55	55
c. Other grievances.....	9	12	16	16
d. Removals.....	21	40	4	44
e. Probationers terminations.....	...	...	5	5
f. Reprimands/suspensions.....	34	40	45	45
FOIA Unit				
a. Freedom of Information workload.....	3,146	3,635	4,174	4,031
b. Freedom of Information requests completed.....	2,258	2,574	3,780	3,924
Attorney Hiring/Security Staff				
a. AUSA appointments.....	110	213	100	200
b. AUSA/BOUSA background reviews.....	200	200	400	400
c. Non-attorney background reviews.....	275	400	600	600
LECC/Victim Witness Staff				
a. Briefings on LECC/VW activities/written communication.....	2,500	2,500	2,500	2,700
b. Technical assistance/oral communication.....	7,000	7,000	7,000	8,000
c. AG briefings/district profiles.....	100	100	100	150
Equal Employment Opportunity Staff				
a. Complaints received (informal).....	50	50	45	50
b. Complaints terminated (informal).....	31	33	30	25
c. Investigations completed.....	9	9	10	20
d. Technical assistance/oral communication.....	400	450	450	300
e. Training/USA/DO orientation/on-site visits.....	7	5	10	10
f. Written communication/documents.....	1,844	350	350	800

	1993	1994	1995	1996	Estimates
Evaluation and Review Staff					
a. Office evaluation reports.....	20	29	30	60	
b. Allocation Requests Processed.....	138	183	150	150	
- Exception Requests.....	260	230	150	150	
Supervisory pay plan.....	80	110	110	110	
Telecommunications and Technology Staff					
a. Design for new telephone systems.....	45	50	55	55	
b. Install video conferencing systems.....	9	9	90	111	

EXPLANATION:

The Management and Administration workload is discussed below:

The Financial Management Staff (FMS) provides budget and fiscal assistance and guidance to the 94 Offices of the United States Attorneys'. The FMS consolidates all 94 United States Attorneys' offices with other Department components and Federal agencies on behalf of the organization. OMB and eventually the Congress. With the assistance of the FMS, the United States Attorneys' resource needs and budget authority, FMS has assumed new responsibilities to ensure critical tracking of earmarked positions and funding. The FMS has established separate accounting classification codes, modules, operating procedures and programs to ensure accurate reporting and billing for Asset Forfeiture, HIDTA, Debt Collection, Farmers Home, HUD, the Violent Crime Reduction Trust Fund, and the 3rd Debt Collection Fund. In accordance with the Anti-Drug Abuse Act of 1988, FMS must prepare a separate budget submission for the Organized Crime Drug Enforcement Task Force (OCDETF) program as well as a budget submission to the ONDCP in support of the United States Attorneys' drug resources. FMS has established separate operating plan budgets and procedures for reimbursable billing from the OCDETF appropriation. Thus, FMS prepares one Assets Forfeiture budget submission, three direct and three OCDETF budget submissions, and Expert Witness, HIDTA, 3rd Debt Collection Fund and Violent Crime Reduction Trust Fund submissions, all during the fiscal year. FMS also maintains a separate budget submission for the United States Attorneys' operating plan or allowance budgets and electronically effect adjustments utilizing an automated budget system. The FMS also maintains a comprehensive procedures manual for the 94 United States Attorneys' offices.

On September 10, 1994, EAGLE systems were installed in 94 districts representing 202 locations and 200SAs. During 1995, the Office Automation Staff (OAS) will install EAGLE systems in additional cities. These are required because of opening new branch offices or growth of staffed branch offices sufficient to support a network. In addition, OAS will coordinate the relocation and/or augmentation of EAGLE systems as a result of moves, major renovation, or expansion projects. Installation of enhanced systems in several locations is predicted as well. OAS manages the United States Attorney's wide area network (WAN), which processes 12,000-14,000 mail messages and document transfers per day. Other OAS activities include maintenance of the computer hardware inventory for all United States Attorney, provision of help desk support on a variety of technical matters, and management of software licenses. OAS provides degrading services to all organizations within the Department of Justice as well as to other agencies when requested, manages the depot for portable PC repair services for all EAGLE organizations.

in the Department, and maintains and managing an EAGLE training facility for the entire Department of Justice.

The Case Management Staff will be implementing a new case management system in the United States Attorneys' offices and will be working with the courts and Justice Management Division to convert the districts to the new collections systems (National Fine Center and TALON). Implementation of these systems cannot be delayed beyond 1996 because of the equipment life of the Prime computers in our 42 largest districts.

Reinvention of government presents exciting program challenges for the Personnel Staff. We anticipate greater latitude being granted to agencies to create more effective staffing, classification, and performance systems in cooperation with organized labor. Even without legislative changes, the climate is set to "reinvent" dysfunctional systems within existing legal parameters. All this will require a direction of resources to policy and program revisions. FERS itself, with the TSP component being such a critical factor to future retirees' welfare, must be better explained to workers coming on board in the '90s. Greater efforts must be made to educate workers on the importance of their participation in RSP. Another reinvention of government initiative concerns movement to paperless offices and adoption of accessible and easy ways for the public to apply for federal positions. The Personnel Staff will direct resources to review the Office of Personnel Management's transition to new software programs to accomplish the above. Finally, changes to the federal performance management system are anticipated to simplify the current cumbersome process and Personnel Staff resources will be required.

The Financial Litigation Staff (FLS) is responsible for providing technical, legal, and administrative support and debt collection training to the Financial Litigation Units within the 94 United States Attorneys' offices. The cash collections (processed through the lockbox) include collections through United States Attorneys' offices, collections through the IRS Tax Return Offset Program, Bureau of Prisons' Inmate Financial Responsibility Program, and collection through the Private Counsel Pilot Program in which nine districts are participating. Other recoveries resulting from the United States Attorney's collection enforcement efforts are not included with this suballocation. For example, the United States Attorneys remain responsible for enforcing criminal fines and assessments imposed by the courts but the clerks of court are responsible for receipting and depositing these funds.

The Priority Programs Team (PPT), responsible for promoting, facilitating and tracking types of crime designated by the Attorney General as national priorities, is consolidated with FLS. This consolidation allows both programs to benefit from the work product and experience of the respective staffs. PPT is made up of Program Managers as well as computer literate support staff. The managers respond to congressional and departmental inquiries as to the status, resources and effectiveness of the various priority programs. They track cases and compile statistics related to the programs with assistance from the Case Management Staff.

Special emphasis continues to be placed on the priority area of financial institution fraud. PPT compiles monthly statistical reports on major financial institution fraud prosecutions which reflect the successes of the United States Attorneys' offices aggressive prosecution of financial institution fraud and the recovery of assets traceable to such fraud. Other priority programs addressed by PPT in 1994 include health care fraud, insurance fraud and corruption, computer fraud, Project Triggerlock and Weed and Seed, the Department's community-based, comprehensive, multi-agency approach to combating violent crime.

The Facilities Management and Support Services Staff is responsible for the acquisition and renovation of space as well as the procurement of equipment, furniture, supplies, and services necessary to operate United States Attorneys' offices.

The Office of Legal Counsel provides advice to United States Attorneys and their offices and to DOJUSA on a broad array of legal issues, including ethics issues, conflicts of interest, recusal, and financial disclosure reports. Legal Counsel provides training to United States Attorneys' offices on the new Ethics Reform Act. Responsibilities further include participation on all employee grievance panels, providing advice and recommendations on disciplinary or adverse actions, and any other employment related casework, and negotiating with labor bargaining units. Legal

Counsel makes suitability recommendations after an exhaustive review of background investigations of attorney and support candidates in the United States Attorneys' offices and reviews all EEO complaints for settlement or other disposition. Also, Legal Counsel acts as liaison between DOJ components and the United States Attorneys' offices.

The FOIA Unit processes all FOIA/Privacy Act requests directed to United States Attorneys' offices and EOUSA.

The LBCC/Victim-Witness Staff provides the primary support for district LBCC/victim-witness activity. The staff maintains liaison with the United States Attorneys and district LBCC/VW Coordinators, monitors and assists in evaluating LBCC activity, publishes the monthly Network News, and works with numerous national criminal justice organizations on LBCC and victim-witness matters. The staff also works closely with the Department's Bureau of Justice Assistance and the Office for Victims of Crime. The LBCC/VW Staff continues its efforts to achieve compliance in the United States Attorneys' offices with the Victim and Witness Protection Act and the Crime Control Act of 1990.

The Equal Employment Opportunity Staff (EEO) provides a level of service to United States Attorneys' offices and EOUSA to ensure that DOJ and EOUSA EEO policies and objectives are achieved. EEO provides guidance to ensure that affirmative employment plans are implemented and that supervisors, managers and employees are aware of their rights and responsibilities to the EEO program. EEO ensures that complaints are processed in a timely manner.

The Evaluation and Review Staff (EARS) conducts performance evaluations of United States Attorneys' offices. The peer evaluation process provides an objective view of each district's operations and recommendations as to how those operations can be carried on more efficiently and effectively. The goal is to evaluate each office approximately every three years. The evaluation and review report procedure implemented in 1992 provides timely and succinct information to the United States Attorneys and upper level Department management, as well as encouraging timely responses to the evaluation reports from the United States Attorneys themselves.

The Telecommunications and Technology Development Staff (TTDS) is responsible for providing technical support to United States Attorneys' offices in their acquisition of voice and data communications and integration of external databases and systems to the EAGLE network. They also are responsible for the implementation of video conferencing in United States Attorneys' offices.

PROGRAM CHANGES:

	1986 Base			1996 Estimate			Increase/Decrease	
	Perm. FTE	FY	Amount	Perm. FTE	FY	Amount	Perm. FTE	FY Amount
Management and Administration	183	207	\$36,013	181	205	\$35,522	(2)	(2) (\$491)

A program decrease of two positions including 1 attorney, two workyears and \$491,000 is required in order to support unfunded payroll requirements.

**United States Attorney
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)**

	1995 FTE Reductions			INS Initiative			IBT Initiative			Total		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Eliminated by Program												
Criminal Litigation.....	(66)	(66)	(\$3,868)	26	13	\$2,158	...	...	...	(40)	(53)	(\$3,710)
Civil Litigation.....	(21)	(21)	(\$294)	...	...	...	...	...	\$6,000	(21)	(21)	2,706
Management & Administration.....	(2)	(2)	(491)	...	...	...	...	...	...	(2)	(2)	(491)
Legal Education.....	...	...	...	...	...	...	...	...	...	0	0	0
Total.....	(89)	(89)	(\$4,653)	26	13	2,158	0	0	6,000	(63)	(76)	(1,495)

Narrative Description

1996 FTE Reductions - A program decrease of 89 positions, 89 workyears, and \$9,653,000 is required in order to support unfunded payroll requirements.

INS Initiative - A program increase of 26 positions, 13 workyears, and \$2,158,000 is requested to address the President's Immigration Initiative which will facilitate traffic and enforcement at the Ports of Entry and between Ports of Entry. Criminal alien removal will increase through improved deportation and removal processes as well as increasing IIP staffing in the five states with the greatest number of foreign born prisoners and in the Federal prison system.

IBT Initiative - For more than 30 years, LaCosa Nostra (LCN) has exerted corrupt control over the IBT. Control of the union has meant the ability to extort employers, legitimacy, and political connections and access to millions of dollars. The 1996 election may be the last opportunity the government has to foster democratic participation of the membership in union governance through intensive election supervision (the 1991 election was supervised by the government at the IBT's expense). The United States Attorneys are requesting \$6,000,000 in FY 1996 funds for the supervision of the 1996 International Union Officer Elections for the International Brotherhood of Teamsters (IBT).

United States Attorneys
Salaries and Expenses
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Criminal		Civil		Management & Administration		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS-8	13	381	...	...	...	...	13	381
GS-7	(33)	(862)	(10)	(972)	(1)	(118)	(44)	(1,932)
Ungraded	(20)	(1,939)	(11)	(1,161)	(1)	(200)	(32)	(3,900)
Total positions and annual rate	(40)	(2,420)	(21)	(2,133)	(2)	(318)	(63)	(4,871)
Lapse (-)	(13)	(725)	...	...	...	...	(13)	(725)
Other personnel compensation	...	26	...	(236)	...	(35)	...	(245)
Total workyears and personnel compensation	(53)	(3,119)	(21)	(2,369)	(2)	(353)	(76)	(5,841)
Personnel benefits	...	(1,245)	...	(925)	...	(118)	...	(2,308)
Travel and transportation of persons	...	78	...	...	...	...	78	...
Transportation of things	...	1	...	...	...	...	1	...
CSA rent	...	130	...	...	...	...	130	...
Rental payments to others	...	13	...	...	...	...	13	...
Comm. utilities, and misc charges	...	91	...	...	...	...	91	...
Printing	...	13	...	...	...	...	13	...
Other services	...	181	...	6,000	...	...	181	6,181
Supplies and materials	...	26	...	...	...	...	26	...
Equipment	...	121	...	...	...	...	121	...
Total program workyears and obligations	(53)	(3,710)	(21)	2,706	(2)	(491)	(76)	(1,495)
changes requested, 1996								

Department of Justice
 United States Attorneys
 Priority Ranking
 Fiscal Year 1996

Program	Base Program	Ranking
Criminal Litigation.....	1	1
Civil Litigation.....	2	2
Legal Education.....	3	3
Management and Administration.....	4	4

Program	Program Increase Enhancement	Ranking
Civil Litigation	IST.....	1
Criminal Litigation	Immigration Initiative.....	2

United States Attorney
 Offices and Expenses
 Detail of Permanent Positions by Component
 Fiscal Years 1994 - 1996

Component	1995				1996	
	1994 Authorized	Availability	Adjustment	Base	Program Changes	Total
Americas (965)	5,808	5,883	0	5,883	(32)	5,851
Federal Security (960)	733	733	0	733	0	733
Legal, Tech. and Technical Support (961)	2,109	2,103	(7)	2,096	(20)	2,076
Criminal Investigative Services (1811)	13	13	0	13	0	13
Criminal Investigative Services (1810)	2	2	0	2	0	2
Other Miscellaneous Occupations (960)	11	11	0	11	0	11
Social Services, Consumer and Kindred (101-199)	6	6	(5)	1	0	1
Personnel Management (201-299)	50	50	0	50	0	50
General Administrative and Clerical (301-399)	1,235	1,227	(6)	1,221	(11)	1,210
Accounting and Budget (401-499)	13	13	0	13	0	13
Information and Arts Group (1101-1199)	11	11	0	11	0	11
Business and Industry Group (1401-1499)	6	6	0	6	0	6
Library and Archives Group (1401-1499)	13	13	0	13	0	13
Supply Group (2101-2199)	7	7	0	7	0	7
Transportation (2101-2199)	1	1	0	1	0	1
Total	8,239	8,210	(18)	8,192	(6)	8,129
Washington	184	184	0	184	(2)	182
U.S. Field Office	8,055	8,026	(18)	8,008	(61)	7,947
Foreign Field	1	1	0	1	0	1
Total	8,239	8,210	(18)	8,192	(6)	8,129

1 Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year.

950CP05

United States Attorney
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work- years	AMOUNT
1995 as enacted	3,210	8,283	\$844,723
Procurement Savings	...	...	(699)
1995 enacted as adjusted	3,210	8,283	844,024
Transfer from ONDCP for High Intensity Drug Trafficking Area	...	...	8,545
1995 Availability	3,210	8,283	850,569
Transfer to VCRIF	(5)	(5)	(500)
Streamlining	(13)	(13)	(650)
Mandatory increases:			
One Additional Compensable Day	...	...	2,395
1995 pay rate	...	...	9,853
Annualization and Increase of 1995 Pay Rate	...	...	9,432
Within-grade increases	...	...	1,949
Health Benefits	...	...	900
\$40 Supplemental Retirement Contributions	...	...	640
Accident Compensation	...	...	52
Unemployment Compensation	...	...	79
General Services Administration (GSA) Rent	...	...	4,184
Postal Rate Increase	...	...	413
General pricing level adjustments	...	...	4,752
Total mandatory increases	...	...	34,329
Decreases:			
Non-recurring HDTA Transfer	...	...	(6,545)
Federal Employees Retirement System (FERS)	...	...	(4,752)
FIS 2000	...	...	(1,235)
Procurement Savings	...	...	(679)
Total decreases	...	...	(13,211)
1995 Base	3,192	8,265	870,537
Program changes			
INS Initiative	23	13	2,159
IBT Initiative	...	...	6,000
Pay rate decrease	(89)	(89)	(9,853)
Total program changes	(66)	(76)	(1,483)
1995 Request	3,126	8,189	869,042

**United States Attorney
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in Thousands)**

	POL.	1977	Amount
	(13)	(13)	8,650
Streamlining			
Opportunities for personnel savings and improvement in operations have been identified, and ongoing efforts such as the review of internal regulations and field structure will offer additional opportunities to streamline operations. A review of field operations is planned. We are confident that opportunities for operational improvements will be identified and implemented. However, we do not believe that an 8 percent reduction in staffing levels can be achieved solely through streamlining administrative and support operations.			
Mandatory Increases:			
1. One Additional Commensurate Pay The annual salary rate for federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$1,825,000 for pay and \$570,000 for benefits).	...	...	2,395
2. 1996 Pay Raise This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$9,453,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$6,943,000 pay and \$2,710,000 benefits = \$9,453,000).	...	...	9,453
3. Annualization and Increase of 1995 Pay Raise This pay annualization represents the first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January, 1996 plus appropriate personnel benefits and the additional amount required above the 1.8 percent originally requested for the three-quarters of the year (\$6,756,000 for pay and \$2,648,000 for benefits).	...	...	9,432
4. Within-Grade Increases This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,412,000 for pay and \$437,000 for benefits.	...	...	1,849
5. Health Benefits The Federal Employees Health Benefits Act (P.L. 95-264) provided that the Government's share of health insurance would be 40 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$900,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1996, projected for a full year.	...	...	900

	Pos.	Yr.	Amount
6. 1993 Supplemental Retirement Contributions	640
For FY 1993 to 1996, agencies are required to remit individual Service Retirement and Disability Fund as an offset for early retirements an amount equal to 180 times the number of employees who, as of March 31 of that year, are covered by either the CBS or FERS retirement systems. The requested increase of \$640,000 provides for this contribution.
7. Accident Compensation	32
This increase reflects the billing provided by the Department of Labor for the actual costs in 1996 of employees' accident compensation. The 1996 amount will be \$32,000.
8. Unemployment Compensation	979
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$979,000 is required to meet our commitment to DOL.
9. General Services Administration (GSA) Rent	4,164
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$4,164,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.
10. Postal Rate Increase	413
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1993. The cost will rise from 29 to 32 cents per stamp. An increase of \$413,000 is requested in 1996 to cover this rate adjustment.
11. General Pricing Index Adjustments	3,732
This request applies GSA pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 5.0 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.
Total mandatory increases	34,379

Decreases:		P08.	WT.	Amount
1.	Federal Employee Retirement System (FERS). Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for 1995. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease is \$4,732,000.	...	...	(4,732)
2.	FIS 2000. This decrease reflects FIS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration the board Governmentwide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$1,235,000.	...	...	(1,235)
3.	PROCUREMENT SAVINGS. This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the federal procurement system. The 1996 decrease is \$679,000.	...	...	8(679)
4.	Non-Federal Transfer of BIDA Funds. Total decreases	...	...	(6,545)
	Total adjustments to base	...	...	(12,212)
		...	...	21,118

**United States Attorneys
Salaries and Expenses
Summary of Requirements by Grade and Class (Cont.)**
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Availability		1995 Request		Increase/Decrease	
	Positions & Weightings	Amount	Positions & Weightings	Amount	Positions & Weightings	Amount	Positions & Weightings	Amount
GS-6 \$111,700	1		1		1			
GS-5 \$107,300	3		3		3			
GS-4 \$103,000	1		1		1			
GS-3 \$100,000	1		1		1			
GS-2 \$97,000	1		1		1			
GS-1 \$94,000	22		21		21			
GS-16 \$1,564,031-74,000	51		51		51			
GS-15 \$1,564,031-74,000	187		187		182		(5)	
GS-14 \$1,564,031-74,000	286		286		286			
GS-13 \$1,564,031-74,000	397		397		397			
GS-12 \$1,564,031-74,000	491		491		491			
GS-11 \$1,564,031-74,000	595		595		595			
GS-10 \$1,564,031-74,000	699		699		699			
GS-9 \$1,564,031-74,000	803		803		803			
GS-8 \$1,564,031-74,000	907		907		907			
GS-7 \$1,564,031-74,000	1,011		1,011		1,011			
GS-6 \$1,564,031-74,000	1,115		1,115		1,115			
GS-5 \$1,564,031-74,000	1,219		1,219		1,219			
GS-4 \$1,564,031-74,000	1,323		1,323		1,323			
GS-3 \$1,564,031-74,000	1,427		1,427		1,427			
GS-2 \$1,564,031-74,000	1,531		1,531		1,531			
GS-1 \$1,564,031-74,000	1,635		1,635		1,635			
GS-16 \$1,564,031-74,000	1,739		1,739		1,739			
GS-15 \$1,564,031-74,000	1,843		1,843		1,843			
GS-14 \$1,564,031-74,000	1,947		1,947		1,947			
GS-13 \$1,564,031-74,000	2,051		2,051		2,051			
GS-12 \$1,564,031-74,000	2,155		2,155		2,155			
GS-11 \$1,564,031-74,000	2,259		2,259		2,259			
GS-10 \$1,564,031-74,000	2,363		2,363		2,363			
GS-9 \$1,564,031-74,000	2,467		2,467		2,467			
GS-8 \$1,564,031-74,000	2,571		2,571		2,571			
GS-7 \$1,564,031-74,000	2,675		2,675		2,675			
GS-6 \$1,564,031-74,000	2,779		2,779		2,779			
GS-5 \$1,564,031-74,000	2,883		2,883		2,883			
GS-4 \$1,564,031-74,000	2,987		2,987		2,987			
GS-3 \$1,564,031-74,000	3,091		3,091		3,091			
GS-2 \$1,564,031-74,000	3,195		3,195		3,195			
GS-1 \$1,564,031-74,000	3,299		3,299		3,299			
Ungraded positions	3,773		3,773		3,773			
Locality Pay								
1995 pay increase								
Total, ungraded positions	8,239	\$449,573	8,210	\$448,245	8,210	\$448,245	(29)	(\$13,328)
Pay above scheduled rates								
Lapses	(447)	(32,751)	(457)	(43,782)	(470)	(44,700)	(13)	(\$1,982)
Surplus due to lower pay scales for part of year								
Net full-time permanent	7,792	\$416,822	7,753	\$404,463	7,740	\$403,545	(13)	(\$9,318)
Other full-time permanent								
Part-time permanent	273	11,779	505	13,393	505	20,813	230	8,414
Temporary employment	215	9,279	397	9,743	397	10,396	182	1,117
Other part-time and contractual employment	15	652	28	646	28	1,152	12	496
Other personnel compensation								
Overtime	48	1,815	72	1,916	72	1,905	24	990
Administratively unacceptable overtime	5	181	7	191	7	190	2	89
Other compensation	5	1,764		1,861		1,851		107
Special personal services payments								
Total, web press and personnel compensation	8,148	\$448,036	8,342	\$482,214	8,342	\$476,621	194	(\$15,393)
Average GS Salary								
Average GS/MS Salary								
Average salary of ungraded								
Average GS/MS Ungraded								

SECOND

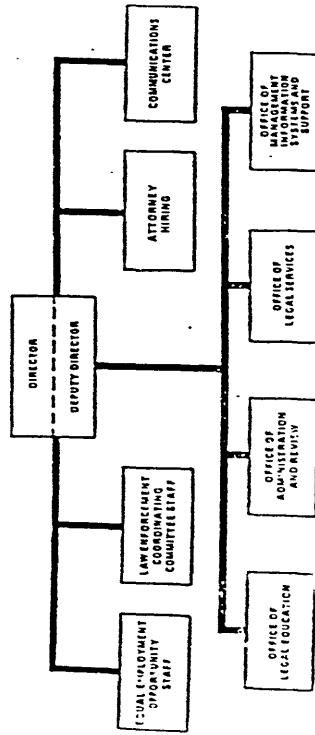
United States Government
SALARYSCHEDULE
Summary of Requirements, Salaries, and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	7,593	\$422,087	7,353	\$451,586	7,259	\$430,287	(94)	(\$21,299)
11.3 Other than full-time permanent	563	21,710	930	22,842	930	38,361	..	15,519
11.5 Other personnel compensation	53	3,760	79	3,968	79	3,958	..	(10)
11.8 Special personal services payments	..	6,473	..	6,838	..	3,023	..	(3,815)
Total	8,209	444,030	8,362	485,214	8,268	471,609	(94)	(9,605)
12 Personnel benefits	102,701	..	106,798	..	105,789	..	..	(4,009)
13 Benefits to former personnel	3,804	..	..	..	719	..	..	719
21 Travel and transportation of persons	13,277	..	11,532	..	11,737	..	..	185
22 Transportation of things	2,018	..	2,496	..	2,567	..	..	71
23.1 GSA rent	98,300	..	111,398	..	109,820	..	..	(1,578)
23.2 Rental payments to others	851	..	1,014	..	6,114	..	..	5,100
23.3 Communications, utilities and miscellaneous charges	23,090	..	26,092	..	30,637	..	..	2,545
24 Printing and reproduction	2,677	..	4,066	..	4,171	..	..	105
25.1 Advisory and assistance services	100	..	100	..	100	..	..	..
25.2 Other services	72,848	..	95,244	..	99,227	..	..	..
26 Supplies and materials	13,291	..	15,912	..	16,315	..	..	403
31 Equipment	31,440	..	7,308	..	6,217	..	..	(1,091)
32 Land and structures	75	..	..	..	..	..	..	..
42 Insurance claims and indemnities	77	..	..	..	..	..	..	..
Total obligations	8,209	874,539	8,362	872,214	8,268	869,042	(94)	(3,172)
Unobligated balance, start-of-year	..	(28,645)	..	(21,645)	..	..	..	..
Unobligated balance, end-of-year	..	21,645	..	..	..	..	..	..
Unobligated balance expunged	..	1,218	..	..	..	..	..	..
Total requirements	..	818,757	..	894,569	..	869,042	..	..
Relation of obligations to outlays:	..	..	..	..	..	..	..	..
Obligated balance, start-of-year	..	89,303	..	127,563	..	123,713	..	..
Obligated balance, end-of-year	..	(127,563)	..	(127,563)	..	(151,447)	..	..
Outlays	..	786,279	..	870,884	..	841,308	..	..


Department of Justice
United States Attorneys
Violent Crime Reduction Trust Fund
Estimates for Fiscal Year 1995
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EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



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 William French Smith
 Attorney General

DATE: 8/17/94

Violent Crime Reduction Programs, United States Attorneys
Summary Statement
Fiscal Year 1996

The United States Attorneys are requesting, for 1996, a total of 145 positions (including 80 attorneys) 115 workyears, and \$14,731,000 from the Violent Crime Reduction Trust Fund. This represents an increase of 60 positions (including 40 attorneys), 30 workyears, and \$5,000,000 above the FY 1996 base.

The United States Attorneys are the principal litigators for the United States Government. It is their task to prosecute those who violate our nation's laws, to protect the public from those who would illegally further their private interests at the expense of the general welfare, to protect the legitimate powers of the Federal Government from those who would usurp those powers, and to assert policies established by the Congress, the Administration and the Attorney General.

The United States Attorneys' request consists of two decision units. They are: Criminal Litigation and Civil Litigation. The request for each decision unit is discussed below.

CRIMINAL LITIGATION:

The criminal litigation activity is conducted by 94 United States Attorneys' offices, each of which has the responsibility for the investigation and prosecution of a wide range of criminal behavior. Violent Crime Reduction Trust Fund resources are directed to the war against violent crime and provision of services to the victims of violent crime. The United States Attorneys request includes an increase of 60 positions (including 40 attorneys), 30 workyears and \$5,000,000 to fight violent crime.

CIVIL LITIGATION:

Civil Litigation is conducted by 94 U.S. Attorneys' offices, each of which has the responsibility to protect and advance the interests of the United States government through the conduct of civil litigation. Violent Crime Trust Fund resources were directed to the President's enhanced Immigration initiative. The United States Attorneys request includes no increases or decreases for this program.

United States Attorneys
Violent Crime Reduction Trust Fund
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Attorneys

[In addition to amounts otherwise made available in this Act for "Salaries and Expenses, United States Attorneys," (\$6,800,000) for necessary expenses associated with the President's Immigration Initiative, of which not to exceed \$2,000,000 shall remain available until expended].

For activities authorized by Sections 4011 and 19001(d) of Public Law 103-322, \$14,751,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund of which \$5,000,000 shall be available to help meet the increased demands for litigation and related activities that will result from the increased number of cases filed in the Federal District Courts pursuant to the President's Immigration Initiative, and \$9,751,000 to represent a program to appoint additional Federal Victim Counselors, and \$2,221,000 for expediting resolution of criminal asylum applicants.

Violent Crime Control Appropriations Act, 1995.

Explanation of Changes

The proposed new language will provide for the use of the Violent Crime Reduction Trust Fund for anti-violent crime, victim counselors, and immigration programs.

Violent Crime Reduction Programs, United States Attorneys
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request		Congressional Appropriation Actions on		Reprogrammings		1995 Appropriation Availability	
	Pos	WY	Pos	WY	Pos	WY	Pos	WY
Criminal Litigation	...	...	...	...	...	...	...	...
Civil Litigation	80	40	...	...	...	...	80	40
Legal Education	...	...	...	...	...	...	...	...
Management and Admini- stration	...	...	...	...	...	...	...	...
Total	80	40	...	6,800	...	...	80	40
								6,800

Congressional Appropriations Actions Funding was provided for the President's Immigration Initiative to speed the asylum review process

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**United States Attorneys
Violent Crime Reduction Trust Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)**

Activity - U.S. Attorneys	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Criminal Litigation.....	...	...	...	5	5	\$ 500	65	35	\$ 5,500	60	30	\$5,000
Civil Litigation.....	80	40	\$6,800	80	80	9,231	80	80	9,231	...	...	...
Office of Legal Education.....	...	...	...	...	...	...	...	...	...	...	...	...
Management and Administration.....	...	...	...	...	...	...	...	...	...	...	...	...
Total.....	80	40	6,800	85	85	9,731	145	115	14,731	60	30	5,000

This budget activity includes resources for carrying out the mandates of the Crime Control Act, 1995.

Activity - U.S. Attorneys	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Criminal Litigation.....	5	5	\$ 500	65	35	\$ 5,500	60	30	\$5,000

LONG-RANGE GOAL: To identify, prosecute, and convict those persons and legal entities who have committed violent offenses against the laws of the United States.

MAJOR OBJECTIVES:

To maintain our efforts, in cooperation with other federal agencies and state and local authorities, in eliminating neighborhood terrorism by fully utilizing criminal statutes to remove those engaged in violent crime, drug trafficking and other drug-related crime from the streets, in order to provide a safe, nurturing, environment for our citizens and future generations.

BASE PROGRAM DESCRIPTION:

The United States Attorneys are responsible for the investigation and prosecution of a wide range of criminal activities. The United States Attorneys receive most of their criminal case referrals from federal investigative agencies or become aware of criminal activities in the course of investigating or prosecuting other cases. They also work with other federal agencies and state and local agencies in coordinated efforts to remove violent criminals from the streets. This is accomplished through the operation of violent crime task forces and other violent crime

INITIATIVES. Services and counseling are provided to the victims of violent crimes.

PROGRAM CHANGES:

	1996 Base			1996 Request			Increase/Decrease		
	Perm. POS.	NY	Amount	Perm. POS.	NY	Amount	Perm. POS.	NY	Amount
Criminal Litigation.....		\$	\$ 500		65	\$ 5,500		60	\$5,000

A program increase of 60 positions (40 attorneys), 30 workyears, and \$5,000,000 is requested to address violent crime.

Violent crime has escalated out of control in this county. Citizens are demanding that government implement whatever actions are necessary to take back our streets and neighborhoods from the violent criminals who have reduced us to prisoners in our own homes. An overwhelming number of violent crimes are committed by organized violent gangs, whose membership includes some of society's most violent career criminals. These gangs are destroying the fabric of our communities: taking over parts of cities, flooding our streets with drugs and terrorizing and killing innocent people caught in the cross fire of gang warfare.

Two important factors compel United States Attorney participation in efforts to reduce violent crime. First, the state law enforcement cannot effectively prosecute violent gangs: State penalties for violent crime are insufficient (prisoners in many states routinely serve only 10 to 20 percent of their sentences); many violent criminals are not detained pre-trial because of severe overcrowding in prisons and inadequate state bail laws; and, State judges and prosecutors are overwhelmed by the volume of criminal cases. Secondly, federal law enforcement is ideally suited to target and eradicate violent gangs. For example, Federal laws, especially RICO and the gun and drug laws, can eliminate entire gangs, which invariably include violent career criminals and repeat offenders. Federal evidence rules permit accomplice testimony which is a tremendous advantage in gang prosecutions because very often the only witness to violent crime is another gang member. Federal penalties, such as life without parole, mandatory minimums and consecutive sentences, guarantee lengthy prison sentences. Federal bail laws greatly increase likelihood of pre-trial detention of violent criminals; and Federal prosecutions have an incredible "ripple effect," whereby defendants, faced with severe mandatory prison sentences, enter cooperation agreements and provide invaluable assistance to law enforcement, such as identifying previously unidentified gang members, solving previously unsolved violent crimes and locating violent gang fugitives.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Per.	Am.	Per.	Am.	Per.	Am.	Per.	Am.
Civil Litigation	80	40 \$ 6,800	80	80 \$ 9,231	80	80 \$ 9,231	0	0 \$ 0

LONG - RANGE GOAL: To protect and to advance the interests of the United States through the conduct of civil litigation.

MAJOR OBJECTIVES:

To respond promptly and professionally to all suits brought against the United States, its officers and employees.

To protect the Federal interest through the conduct of aggressive affirmative litigation.

BASE PROGRAM DESCRIPTION: As the attorneys and counselors for the United States, the United States Attorneys do a substantial amount of work in civil litigation. Their workload in the civil field includes providing competent legal representation to aggressively pursue civil enforcement of Federal laws and regulations, including immigration laws and regulations. One program of the President's Immigration Initiative is to make timely decisions to those immigrants requesting asylum in this country. This program supports litigation which arises from appeal of Immigration Judges decisions at the Federal Court level.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Per.	Am.	Per.	Am.	Per.	Am.
Civil Litigation	80	80 \$9,231	80	80 \$9,231	...	...

No program changes are requested.

Violent Crime Reduction Programs, United States Attorney
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Criminal
Grades	Pos. Amount
GS-8	20 586
Ungraded	40 3,358
Total positions and annual rate	60 3,944
Lapse (-)	(30) (1,972)
Other personnel compensation	57
Total workyears and personnel	
Compensation	30 2,029
Personnel benefits	711
Travel and transportation of persons	344
Transportation of things	23
GSA rent	300
Rental payments to others	12
Comm., utilities, and misc. charges	202
Printing	47
Other services	568
Supplies and materials	60
Equipment	684
Total program workyears and obligations	30 5,000
changes requested, 1996	

Department of Justice
 United States Attorneys
 Priority Ranking
 Fiscal Year 1996

Program	Base Program	Ranking	Program Increase Enhancement	Ranking
Criminal Litigation		1	Criminal Litigation	1
Civil Litigation		2	Violent Crime	1

Work at Crime Reduction Programs, United States Attorneys
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994				1995		1996	
	Authorized	Availability	Adjustment	Base	Program Changes	Total	Program Changes	Total
Attorneys (985)	0	0	40	40	0	80	40	120
Paralegal Specialist (80)	0	0	13	13	0	13	0	13
Legal Clerk and Technicians (996)	0	0	27	27	0	47	20	67
Social Sciences, Economic, and Kindred (100-199)	0	0	0	5	5	5	0	5
Total	0	0	80	85	85	145	60	205
Washington	0	0	0	0	0	0	0	0
US Field	0	0	80	85	85	145	60	205
Foreign Field	0	0	0	0	0	0	0	0
Total	0	0	80	85	85	145	60	205

† Includes positions for field offices in the Washington, D.C. Standard Metropolitan Statistical Area in each year

95OCPP05

Violent Crime Reduction Programs, United States Attorneys
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work- years	AMOUNT
1995 Appropriation Availability	90	40	\$8,800
Transfer from Direct Appropriation	5	5	500
Mandatory increases			
Annualization of 1995 Positions		40	2,344
General Pricing Level Adjustments		40	87
Total mandatory increases	0	40	2,431
1996 Base	85	85	9,731
Program changes			
Violent Crime Initiative	40	30	5,000
Total program changes	40	30	5,000
1996 Request	145	115	14,731

**Violent Crime Reduction Program, United States Attorney
Justification of Adjustments to Base
(figures in thousands)**

	Amount
Mandatory Increases:	
1. Equalization of 1995 Salaries This provides for the equalization of 40 positions approved in the 1995 Appropriations Act for Civil Asylum Reform.	82,344
2. General Price Level Adjustments This request applies one pricing schedule as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 to the base salary schedule. The factor is applied to salaries, contracts with the private sector, printing costs, transportation costs and utilities. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	87
Total mandatory increases.....	2,431

Violent Crime Reduction Programs, United States Attorneys
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
IS - 6, \$115,700
IS - 4, \$107,300
IS - 3, \$101,800
IS - 2, \$97,400
GS-004 - 15, \$66,000 - 86,500
GS-004 - 14, \$56,275 - 75,610
GS-004 - 13, \$47,920 - 62,205
GS-12, \$40,296 - 52,305
GS-11, \$35,600 - 45,172	11	..	13	..	..	..
GS-10, \$30,600 - 39,781
GS-9, \$27,780 - 36,121
GS-8, \$25,190 - 32,710	27	..	52	..	25	..
GS-7, \$22,715 - 29,590
GS-6, \$20,445 - 26,902
GS-5, \$18,340 - 23,839
GS-4, \$16,301 - 21,307
GS-3, \$14,601 - 18,986
GS-2, \$13,182 - 16,843
Ungraded positions	40	..	80	..	40	..
Locality Pay
1995 pay increase
Total appropriated positions	80	\$4,628	145	\$5,773	65	\$1,145
Pay above stated annual rates
Lapses	(40)	(2,314)	(40)	(1,972)	10	142
Savings due to lower pay scales for part of year
Net full-time permanent	40	2,314	115	6,801	75	4,487
Other than permanent
Part-time permanent
Temporary employment
Other part-time and intermittent employment
Other personnel compensation
Overtime	18	..	51	..	33
Administratively uncontrollable overtime
Other compensation
Special personal services payments
Total workyears and personnel compensation	40	2,372	115	6,778	75	4,406
Average GS-14 Salary	30,105	..	30,115
Average salary of ungraded	(79,464)	..	(81,707)
Average GS-004 Grade	8.96	..	8.6

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Violent Crime Reduction Program, United States Attorney
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

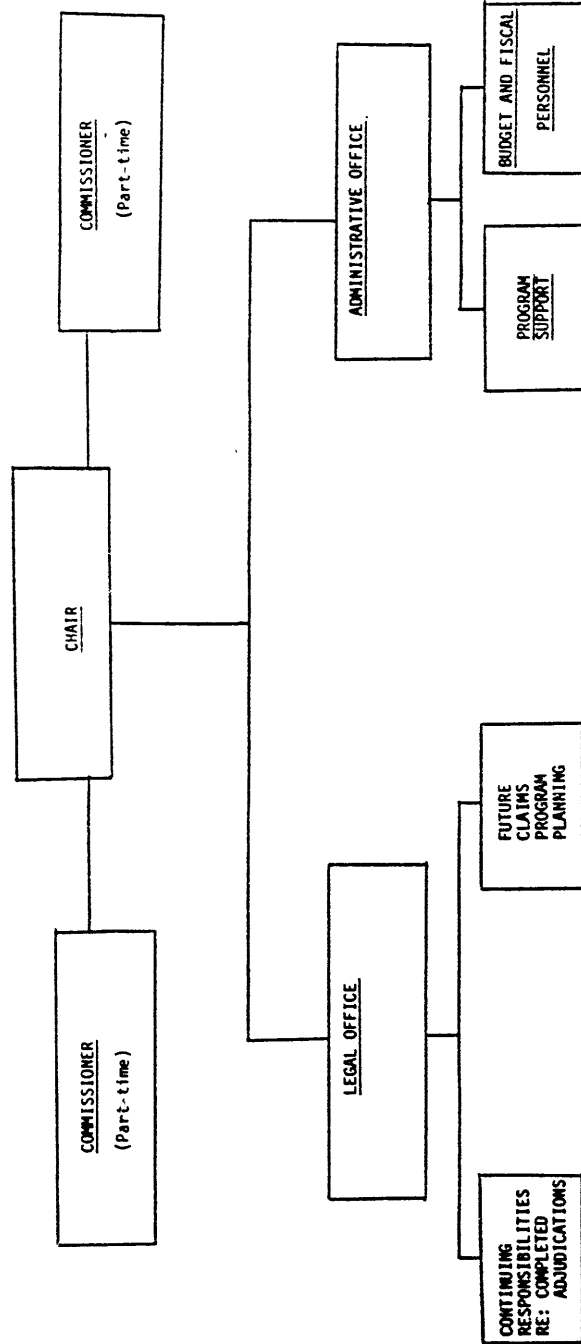
Object Class	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Workyear	Amount	Workyear	Amount	Workyear	Amount	Workyear	Amount
11.1 Full-time permanent.....
11.3 Other than full-time permanent.....
11.5 Other personnel compensation.....
11.8 Special personal services payments.....
Total.....	40	2,314	115	\$6,679	75	\$4,365
12 Personnel benefits.....	40	18	...	52	...	34
13 Benefit to former personnel.....	40	...	88	...	48
21 Travel and transportation of personnel.....	2,372	115	6,819	75	4,447
22 Transportation of things.....	817	...	1,994	...	1,177
23.1 (USA) rent.....	411	...	815	...	404
23.2 Rental payments to others.....	26	...	54	...	28
23.3 Communications, utilities and miscellaneous charges.....	400	...	934	...	534
24 Printing and reproduction.....	42	...	99	...	57
25 Other services.....	269	...	636	...	367
26 Supplies and materials.....	61	...	116	...	55
31 Equipment.....	1,416	...	1,798	...	382
32 Land and structures.....	80	...	190	...	110
42 Insurance claims and indemnities.....	906	...	1,276	...	370
Total obligations.....	40	...	...	...	...	...
Relation of obligations to outlays:	6,800	115	14,731	75	7,931
Obligated balance, start-of-year.....	1,068	...	...
Obligated balance, end-of-year.....	(1,068)	...	(2,833)	...	...
Outlays.....	5,712	...	12,966	...	...

DEPARTMENT OF JUSTICE
Foreign Claims Settlement Commission
Estimates for Fiscal Year 1996

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FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE
UNITED STATES



William A. Ridway
WILLIAM A. RIDWAY, PH.D.

Foreign Claims Settlement Commission
Salaries and expenses
Summary Statement
Fiscal Year 1996

The Foreign Claims Settlement Commission is requesting a total of 9 permanent positions, 9 workyears, and \$905,000 for 1996. This request represents a net increase of \$75,000 from the 1995 appropriation enacted.

The Commission consists of a Chair and two part-time Commissioners, who are appointed by the President with the advice and consent of the Senate. The part-time Commissioners receive compensation at the Executive Level V rate of pay for performance of official business of the Commission at the direction of the Chair.

The principal mission of the Commission is to adjudicate claims of U.S. citizens arising out of the nationalization, expropriation or other taking of their properties and interests by foreign governments, under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation. To date, the Commission has compiled and evaluated such claims against 16 countries: Yugoslavia, Panama, Bulgaria, Hungary, Romania, Italy, the Soviet Union, Czechoslovakia, Poland, Cuba, China, the German Democratic Republic (East Germany), Vietnam, Ethiopia, Egypt, and Iran.

The operating expenses of the Commission ultimately are borne only partially, if at all, by the taxpayer. In virtually all instances, the legislation authorizing the adjudication of claims has provided for deduction of a percentage of the funds obtained from foreign governments for payment of the Commission's awards to the credit of miscellaneous receipts in the United States Treasury to defray the administrative expenses of conducting the claims programs. Since 1950, the expenditures of the Commission and its predecessors have amounted to approximately \$30 million, but during that same period the amounts paid into the United States Treasury as a result of claims programs have been in excess of \$32 million.

The Commission is engaged in preliminary planning for a major claims program involving Iraq (as discussed below), and is providing continuing technical assistance to the Department of State in conducting ongoing government-to-government claims settlement negotiations with Vietnam and Albania, and other governments, as requested by the Department.

Under the War Claims Act of 1948, as amended, the Commission will continue to have authority to award compensation to American military prisoners of war held in Southeast Asia during the Vietnam conflict, or their survivors, for inadequate rations and inhumane treatment while in captivity.

The Commission will continue to furnish information contained in the records pertaining to the 42 completed international and war-related claims programs it has conducted, as requested by claimants and their heirs, attorneys, researchers, and other members of the public. Upon request, it will also provide advice on policy determinations, preliminary planning, evaluation of pending claims legislation, and liaison with Congressional committees considering legislation intended to provide for adjudication of additional types or classes of claims.

Foreign Claims Settlement Commission
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Foreign Claims Settlement Commission

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, (\$830,000).

\$905,000

22 U.S.C. 1621-1645; 50 U.S.C. 1701 note; 50 U.S.C. App. 2001-2017; Department of Justice and Related Agencies Appropriations Act, 1995.

Explanation of changes:

No substantive changes proposed.

Foreign Claims Settlement Commission
Salaries and expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

<u>Budget Activity/Program</u>	<u>1995 President's</u>		<u>Congressional</u>		<u>Reprogrammings</u>		<u>1995</u>	
	<u>Pos.</u>	<u>MY</u>	<u>Pos.</u>	<u>MY</u>	<u>Pos.</u>	<u>MY</u>	<u>Pos.</u>	<u>MY</u>
		<u>Amount</u>		<u>Amount</u>		<u>Amount</u>	<u>Enacted</u>	<u>Amount</u>
1. Adjudication of International Claims.....	9	9	...	...	...	...	9	9
Total.....	9	9	...	...	...	...	9	9
		\$830		...	...	...		\$830
		\$830		...	...	...		\$830

Foreign Claims Settlement Commission

Salaries and expenses

Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
<u>Adjustments to base:</u>			
1995 as Enacted.....	9	9	\$830
Mandatory Increases.....	...	...	80
Non-policy Decreases.....	...	...	-5
1996 Base.....	9	9	\$905

	1995				1996				Increase/Decrease	
	1994 as Enacted		1994 Actual		1996 Base		1996 Estimate		Perm.	WY
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
<u>Estimates by budget</u>										
activity										
Adjudication of Inter-										
national Claims	13	13	13	10	9	9	9	9	...	...
										\$75

*Due to late billings, 1994 actual amount differs from the President's Budget by \$24,000.

Foreign Claims Settlement Commission
Salaries and expenses
Justification of Program and Performance
Adjudication of International Claims

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Activity: Adjudication of International Claims	9	\$830	9	\$905	9	\$905	...	\$75

LONG-RANGE GOAL: To make effective determinations of unsettled claims of United States nationals against foreign governments within the framework of the International Claims Settlement Act of 1949 and other pertinent statutes, and to provide assistance to claimants in past international and war claims programs.

MAJOR OBJECTIVES:

- To assist the Department of State in ongoing negotiations for the settlement of adjudicated claims against foreign governments.
- To advise other agencies and the Congress concerning potential future programs and to comment on pending legislation.
- To conduct preliminary planning of pending new programs.
- To advise on policy determinations relating to the settlement of international claims.
- To assist the Department of the Treasury in making distribution on past awards certified by the Commission.
- To provide executive departments and private attorneys with legal precedents issued by the Commission.
- To provide general information concerning past programs and to respond to requests about specific decisions the Commission has made on past claims.

BASE PROGRAM DESCRIPTION:

In addition to its principal function of adjudicating United States nationals' claims against foreign governments, the Commission provides continuing informational services to claimants (and, where applicable, their legal successors) with regard to the 42

completed international and war claims programs it has conducted. It also provides advice on policy determinations, preliminary planning, and evaluation of proposed legislation intended to authorize adjudication of claims of new categories of claimants, and liaison with Congressional committees considering such legislation.

ACCOMPLISHMENTS AND WORKLOAD:

The Commission will continue to provide technical assistance to the Department of State in its efforts to conclude claims settlement agreements with foreign governments, including, in particular, an agreement with the Government of Vietnam, to settle claims adjudicated under Public Law 96-606, and similar agreements with Russia and the other original constituent republics of the former Soviet Union, to settle claims adjudicated under Public Law 285, 84th Congress.

Utilizing its basic authority under Title I of the International Claims Settlement Act of 1949, as amended, the Commission will conduct claims adjudication programs following the Department of State's successful conclusion of claims settlements with foreign governments. Countries with which agreements remain to be negotiated include Albania and the later-incorporated republics of the former Soviet Union, including, but not limited to, the Baltic States of Estonia, Latvia, and Lithuania. Under section 620(e) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2370(e)), the Commission also has ongoing authority, upon request of the President, to evaluate property of United States nationals expropriated or otherwise subjected to action by foreign governments in violation of international law. The Commission is also monitoring legislation in Congress which would create a major claims program involving Iraq, and conducting preliminary planning for that program.

Under the War Claims Act of 1948, as amended, the Commission is empowered to authorize payments of compensation to American prisoners of war and civilians captured or interned by hostile forces in Southeast Asia during the Vietnam conflict, or to their survivors, for inadequate rations and inhumane treatment while in captivity. The Commission to date has granted awards to 748 prisoners of war or their survivors in the amount of \$5,391,033; awards to 41 civilian internees in the amount of \$229,337; and awards to members of the crew of the USS Pueblo in the amount of \$68,675, for a total of \$5,689,045. The status of a number of military servicemen who had been listed as missing-in-action and presumed dead may be revised by the Department of Defense if their remains are located and returned to the United States. If information comes to light in any of these cases which suggests that the servicemen may have been held as a prisoner of war before he died, the law affords his survivors a filing period of three years from the date of the Department of Defense's revised status determination within which to submit a compensation claim to the Commission.

Foreign Claims Settlement Commission
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996 Total
Attorneys (905).....	5	2	2
General Administrative Clerical and Office Services (300-399).....	5	4	4
Commissioners.....	3	3	3
Total.....	13	9	9
Washington.....	13	9	9
Total.....	13	9	9

Foreign Claims Settlement Commission
Salaries and expenses
Justification of Adjustments to Base
(Dollars in thousands)

Amount

Mandatory Increases:

1. One additional compensable day..... \$ 3
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days.
This request includes appropriate personnel benefits as well as pay for the additional day (\$2,000
for pay and \$1,000 for benefits).
2. 1996 pay raise..... 12
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is
consistent with Administration policy. The amount requested, \$12,000, represents the pay amounts for
three-quarters of the fiscal year plus appropriate benefits (\$9,000 pay and \$3,000 benefits = \$12,000).
3. Annualization and increase of 1995 pay raise..... 16
This pay annualization represents first quarter amounts (October through December) of the anticipated
1995 pay increase of 3.3 percent effective in January 1995 plus appropriate personnel benefits and the
additional amount required above the 1.6 percent originally requested for the three-quarters of the
year (\$12,000 for pay and \$4,000 for benefits).
4. Within-grade increases..... 12
This request provides for the expected increase in costs of within-grade increases. This increase is
based on an accurate, dynamic model of the Department's employee population which includes numerous
factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates,
and career ladder series to reflect promotion policy for each organization. This request includes
\$9,000 for pay and \$3,000 for benefits.

	Amount
5. Health benefits.....	\$ 1
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$1,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	
6. \$80 supplemental retirement contributions.....	1
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$1,000 provides for this contribution.	
7. General Services Administration (GSA) rent.....	28
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$11,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.	
8. Postal rate increase.....	1
The United States Postal Service implemented a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$1,000 is requested in 1996 to cover this rate adjustment.	
9. General pricing level adjustments.....	6
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	
Total mandatory increases.....	80

<u>Decreases (automatic non-policy):</u>		<u>Amount</u>
1. Federal Employees Retirement System (FERS).....		
Effective October 2, 1994, there was an overall reduction in the amount of required agency contri- bution for FERS. The law enforcement agency rate fell from 27.3 percent and the non-law enforce- ment agency fell from 12.9 to 11.4. The estimated decrease is \$5,000.		-55
Total decreases.....		<u>-5</u>
Total, adjustments to base.....		75

Foreign Claims Settlement Commission									
Salaries and Expenses									
Summary of Requirements by Grade and Object Class									
(Dollars in thousands)									
Grades and salary ranges	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease		
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
Executive Level V, \$109,500.....	1	...	1	...	1	...	...	...	...
GS/GM-15, \$71,664-93,166.....	1	...	1	...	1	...	...	...	...
GS/GM-14, \$60,925-79,200.....	1	...	1	...	1	...	...	...	...
GS-13, \$51,557-67,021.....	2	...	2	...	2	...	...	...	...
GS-12, \$43,356-56,362.....	3	...	2	...	2	...	...	...	...
GS-11, \$36,174-47,025.....	4	...	2	...	2	...	...	...	...
GS-5, \$19,732-25,656.....	1	...	...	...	...	...	...	...	...
1996 Pay.....	...	...	...	\$ 12	...	...	...	...	\$ 12
Total, appropriated positions.....	13	\$700	9	\$551	9	\$590	...	...	\$39
Pay above stated annual rates.....	...	2	...	...	...	...	...	...	...
Lapse.....	-4	-254	-2	-134	-2	-141	...	...	-7
Savings due to lower pay scales for part of year.....	...	-8	...	-2	...	-2	...	...	...
Net full-time permanent.....	9	440	7	415	7	447	...	...	32
Other than permanent:									
Part-time permanent employment*.....	1	57	2	98	2	98	...	...	...
Other personnel compensation.....	...	2	...	...	...	...	...	...	...
Total, workyears and personnel compensation.....	10	499	9	513	9	545	...	...	32
Average GS/GM Salary.....		(\$44,025)		(\$55,049)		(\$57,095)			
Average GS/GM Grade.....		(11.8)		(13.2)		(14.1)			

*Includes workyears associated with two Executive Level V part-time Commissioners and one other part-time employee.

Foreign Claims Settlement Commission
Salaries and Expenses
Summary of Requirements by Grade and Object Class*
(Dollars in thousands)

Object Class	1994 Actual Workyears	1994 Actual Amount	1995 Estimate Workyears	1995 Estimate Amount	1996 Estimate Workyears	1996 Estimate Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11 Personnel compensation:								
11.1 Full-time permanent.....	11	\$440	7	\$415	7	\$447	...	\$32
11.3 Other than permanent.....	2	57	2	98	2	98	...	...
11.5 Other personnel compensation.....	...	2	...	...	...	...	...	...
Total.....	13	499	9	513	9	545	...	32
Other objects:								
12 Personnel benefits.....	107			101		114		13
13 Benefits to former personnel.....	...			10		10		...
21 Travel and transportation of persons..	23			12		12		...
22 Transportation of things.....	1			...		...		...
23.1 Rental payments to GSA.....	123			137		165		28
23.3 Communications, utilities, and miscellaneous charges.....	30			18		19		1
24 Printing and reproduction.....	4			5		5		...
25 Other services.....	26			20		21		1
26 Supplies and materials.....	9			8		8		...
31 Equipment.....	0			6		6		...
Total requirements	13	822	9	830	9	905	-4	75
Relation of obligations to outlays:								
Obligated balance, start-of-year.....		68		89		75		
Obligated balance, end-of-year.....		-89		-75		-90		
Adjustments in expired accounts.....		...		...		...
Outlays.....		801		844		890		

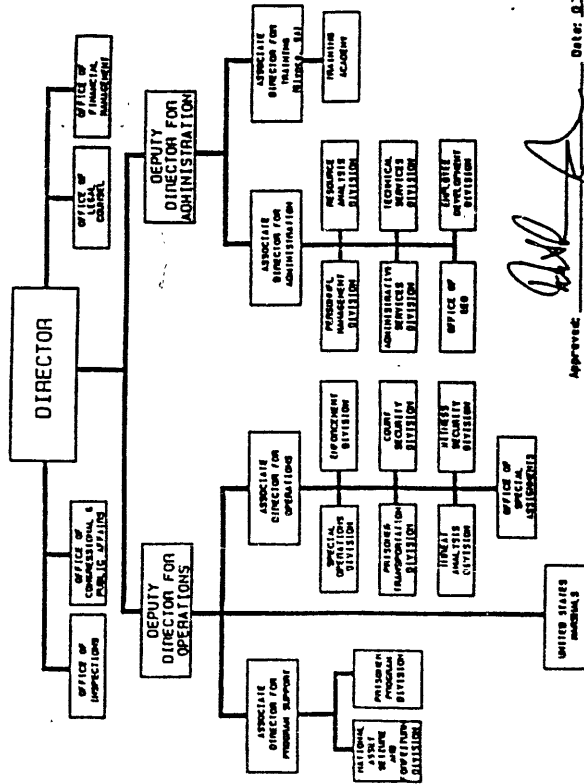
*Subsequent to OMB approval of the 1996 President's Budget appendix materials, updated information resulted in the revised object class information provided above.

Department of Justice
United States Marshals Service
Estimates for Fiscal Year 1996

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UNITED STATES MARSHALS SERVICE



Approved: _____ Date: 9-16-50

SIC 110-10000
Attorney General

United States Marshals Service

Salaries and Expenses

Summary Statement

Fiscal Year 1996

For 1996, the United States Marshals Service requests a total of 3,799 permanent positions, 3,750 workyears, and \$436,887,000. This request represents a net of 55 positions (including 96 Deputy Marshals), 468 workyears and \$40,103,000 over the 1995 Appropriation Availability and a net increase of 126 positions, 79 workyears, and \$27,914,000 over the 1996 base.

The most significant portion of the request is for \$12,775,000, 126 positions, and 79 FTE to provide the personnel and equipment necessary to ensure that new and renovated Federal courthouses can open on schedule. The Marshals Service's primary mission is to protect the Federal Judiciary and court proceedings, which is dependent upon the timely coordination and implementation of the established safety and security requirements for the construction of detention, prisoner movement and related high security areas. Lack of funding for these mandatory requirements would result in the significant compromise of security. The requested funding level, coupled with the request of \$16,500,000, 41 positions, and 40 FTE within the Violent Crime Reduction Trust Fund (VCRTF), will permit the USMS to equip the new U.S. Courthouses for operation and provide efficient working environments for USMS employees.

The Marshals Service is mandated to perform a broad scope of law enforcement missions in support of the activities of both the Executive and Judicial Branches of the government. As provided in the Marshals Service Act of 1988, "it is the primary role and mission of the U.S. Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals and the Court of International Trade." The Service's workload demands are levied by the Federal courts, other Department of Justice components, and other Federal law enforcement agencies.

This submission is designed to assure a balance between program and fiscal requirements. The requested program increases are necessary to fulfill ongoing, essential requirements. The operational program requests are firmly rooted in legislative or regulatory mandates that must be observed. The support program increases are necessary for the operational mission and to achieve the economies of scale necessary to reduce overall expenses. The tools that Deputies use: guns and vehicles, must be properly maintained, and the Deputies must continue to meet established standards in order to continue to use them. Failure to do so could result in significant loss of life.

The resources contained in this submission are necessary to allow the Marshals Service to continue to meet its core mission responsibilities, i.e., to protect judges and witnesses, transport prisoners, capture fugitives, seize assets, serve process, execute Federal court orders, and deal with natural disasters or civil disturbances.

The Marshals Service recognizes the importance of ensuring that we utilize our resources as efficiently and effectively as possible. To achieve this goal we have prepared a Comprehensive Streamlining Plan that outlines our methods to improve the overall operations of the USMS and reduces 181 positions, 181 FTE and \$3,708,000. The plan includes a review of organizational structure, work processes, information technology and the assignment of personnel. The USMS has undertaken several initiatives to streamline the agency. Using the principles set forth in the National Performance Review (NPR), the USMS will achieve improvements through functional realignment of programs, continuous process improvement, and the use of technology to streamline management. The major initiatives are: proposed legislation to eliminate Presidentially-appointed Marshals; review, by an outside consultant, of USMS Headquarters; Headquarters and field hiring freeze; redistribution of positions; elimination of redundant and/or unnecessary regulations; review/identification of duplicative or non-value added business practices; strategic planning with long range goals and objectives through the year 2000; information technology utilization to improve communications and streamline services; and active participation in the Office of Investigative Agency Policies (OIAP) Initiatives.

United States Marshals Service

Salaries and expenses

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, United States Marshals Service

For necessary expenses of the United States Marshals Service/ including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year: (\$396,847,000).

\$416,887,000

as authorized by 28 U.S.C. 561 (1), of which not to exceed \$6,000 shall be available for official reception and representation expenses; provided, that of the offsetting collections credited to this account, \$95,000 are permanently canceled); and of which not to exceed \$1,000,000 shall be available until such time as the Department of Justice receives for the cost of maintenance and transportation State, local or territorial prisoners may be credited to this appropriation and shall remain available until expended to fund the cost of such services

(18 U.S.C. 1963, 1059, 3052, 3521-3528, 4008; 19 U.S.C. 1613; 21 U.S.C. 881; 28 U.S.C. 510, 524, 561-562, 565, 567, 569-572, 1921; 48 U.S.C. 1424(b), 1614(c), 1624(b)(1); Department of Justice and Related Agencies Appropriations Act, 1994.)

Explanation of Changes

The proposed change would provide USMS with funds for activities undertaken to provide security for extraordinary situations. Specifically, funds would be available for the following activities:

- 1) Provision of security for judicial proceedings resulting from crimes of international terrorism committed in, or against, citizens of, the United States.
- 2) Provision of security for foreign judicial proceedings held in the United States under the provisions of Mutual Assistance Treaties.
- 3) Transportation of witnesses from the United States to foreign countries for participation in foreign judicial proceedings, if required by a Mutual Assistance Treaty.
- 4) Provision of security at other high threat judicial proceedings, as approved by the Attorney General.

United States Marshals Service
Salaries and Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request			Congressional Appropriation Actions on 1995 Request			Reprogramming			Transfers from HDTA			Pay Raise Absorption			1995 Availability		
	Pos	WY	Am't	Pos	WY	Am't	Pos	WY	Am't	Pos	WY	Am't	Pos	WY	Am't	Pos	WY	Am't
1. Protection of the Judicial Process	2,023	1,996	\$183,345	59	85	25,778	...	...	...	...	...	810	...	(36)	...	2,082	2,045	209,939
2. National Prisoner Transportation	159	180	39,210	...	...	(681)	...	...	...	...	...	...	...	(3)	...	159	177	38,329
3. Fugitive Apprehension	595	604	51,392	...	...	3,268	...	...	...	...	...	...	...	(10)	...	595	594	54,860
4. Seized Asset Management	418	390	22,393	...	...	1,518	...	...	...	...	...	...	...	(11)	...	418	379	23,911
5. D.C. Court	158	151	10,827	...	...	1,573	...	...	...	...	...	...	...	(2)	...	158	149	12,200
6. Service of Legal Process	184	197	15,374	...	...	1,468	...	...	...	...	...	...	...	(4)	...	184	193	16,842
7. Training	27	25	4,129	...	...	102	...	...	...	...	...	...	...	(1)	...	27	24	4,231
8. ADP/Telecommunications	26	22	20,673	...	...	(999)	...	...	...	...	...	...	...	(1)	...	26	21	19,674
9. Management and Administration	203	125	17,497	...	...	315	...	...	...	...	...	...	...	(25)	...	203	100	17,812
Total	3,785	3,690	364,840	59	85	32,142	...	...	...	...	...	810	...	(83)	...	3,854	3,682	397,598

Congressional Appropriation Actions

The Congress appropriated an additional \$32,142, 59 positions and 85 workyears over the 1995 President's Budget request primarily to staff new courthouses to be opened and new judgeships to be filled in 1995. Specific increases over the 1995 request are reflected by an increase of 76 DUSM positions, 91 DUSM workyears and funding of \$10,360, an increase of 1,942 for non-personnel costs of courthouses, an increase of \$2,000 for high threat trials, \$750 for U.S. Marshal pay differentials, and an increase of \$18,000 to partially fund Law Enforcement Availability Pay (LEAP). Also included is an administrative support offset of (17) positions, (6) workyears, and (\$910).

United States Marshals Service
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	Per A.	Pos.	WY	Amount
1995 as enacted *				
Transferred from other accounts (HDTA)				
FTE Reduction Associated with Pay Raise Absorption				
1995 Availability	3,854	3,775	396,782	816
Streamlining reduction				
Mandatory increases				
Mandatory decreases:				
Federal Employees Retirement System (FERS)				(2,043)
FTS 2000 Savings				(557)
Procurement reduction pursuant to P.L. 103-317				(63)
Transfer holding cell base to BOP B&F				(2,300)
Decreases (automatic, non-policy, non-recurring transfers from other accounts)				(6,230)
HDTA				(616)
1996 Base	3,854	3,682	397,596	408,973

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Per A.	Pos.	WY	Amount	Per A.	Pos.	WY	Amount	Per A.	Pos.	WY	Amount
Estimates by budget activity												
1. Protection of the Judicial Process	2,082	1,997	2,042	210,863	2,123	2,121	228,357	17,394	126	79	0	0
2. National Prisoner Transportation	159	177	173	39,785	152	173	39,935	150	0	0	0	0
3. Fugitive Apprehension	595	594	581	57,178	572	581	57,178	0	0	0	0	0
4. Seized Assets Management	418	379	404	27,817	402	404	27,817	0	0	0	0	0
5. D.C. Superior Court	158	149	146	12,833	152	146	12,833	0	0	0	0	0
6. Service of Legal Process	184	193	189	17,604	176	189	17,604	0	0	0	0	0
7. Training	27	24	24	4,432	26	24	6,732	2,300	0	0	0	0
8. ADP/Telecommunications	28	21	21	20,385	27	21	20,385	0	0	0	0	0
9. Management & Administration	203	100	91	17,976	169	91	27,046	9,070	0	0	0	0
Total	3,854	3,682	3,671	408,973	3,673	3,750	436,887	27,914	126	79	0	0

* 95 enacted reflects an additional \$516K that was erroneously omitted from the President's budget.

United States Marshals Service
Salaries and Expenses
Summary of Resources by Program
(Dollars in thousands)

	1994 as Enacted			1994 Actual			1995 Appropriation Anticipated			1996 Base			1996 Estimate			Increase / Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Estimates by Program																		
Protection of Judicial Process	1,868	1,994	\$170,397	1,868	1,994	\$170,397	2,082	2,045	\$208,908	1,997	2,042	\$210,983	2,123	2,121	\$228,357	126	79	17,364
National Prisoner Transportation	255	257	45,325	255	257	\$42,493	159	177	38,329	152	173	36,785	152	173	36,835	...	...	150
Fugitive Apprehension	593	595	46,442	593	595	\$46,442	595	594	\$46,600	572	591	57,178	572	591	57,178	...	...	...
Seized Assets Management	366	367	27,499	366	367	\$27,499	418	379	23,911	402	404	27,817	402	404	27,817	...	...	...
D C Superior Court	143	127	9,008	143	127	\$9,008	156	149	12,200	152	148	12,833	152	148	12,833	...	...	...
Service of Legal Process	190	191	14,152	190	191	\$14,152	184	193	16,842	176	199	17,604	176	199	17,604	...	...	...
Training	30	26	2,615	30	26	\$2,615	27	24	4,231	26	24	4,432	26	24	5,732	...	...	1,300
AJP/Telecommunications	35	27	16,020	35	27	\$16,020	28	21	19,874	27	21	20,385	27	21	20,385	...	...	...
Management & Administration	165	119	16,638	165	119	\$16,638	203	100	17,812	199	71	17,976	199	91	27,046	...	...	9,070
Total	3,645	3,703	\$48,206	3,645	3,703	\$45,464	3,654	3,682	\$87,588	3,673	3,671	\$48,873	3,799	3,750	\$48,887	128	79	27,914
Reimbursable workyears		62			62			93			93			93				
Total workyears		3,765			3,765			3,745			3,734			3,813			79	
Other Workyears																		
Overtime		372			372			553			553			553			55	
Total compensable workyears		4,137			4,137			4,298			4,287			4,401			114	

UNITED STATES MARSHALS SERVICE
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)

Collections by Source	1994 Actual			1995 Estimate			1996 Request			Increase/Decrease		
	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount	Pos	WY	Amount
Asset Forfeiture Fund						\$7,700			7,830			230
Bureau of Prisons	8	8	5,922	8	8	5,700	8	8	5,871			171
Community Relations Service			5						0			0
Department of Defense			50			50			81			1
Department of State	4	4	363	4	4	300	4	4	309			9
Department of the Air Force	4	4	300	4	4	300	4	4	309			9
Dept of Housing & Urban Development			107						0			0
DJ Memo			66						82			2
DOJ - Working Capital Fund			2,971			100			3,502			102
Drug Enforcement Administration	7	7	1,133	7	7	1,150	7	7	1,184			34
Exec Office of the U.S. Attorneys	3	3	3,549	3	3	3,650	3	3	3,759			109
Federal Emergency Management Agency			33						0			0
Federal Law Enforcement Training Center	1	1	65	1	1	70	1	1	72			2
General Services Administration			15						0			0
Georgia Bureau of Investigation			2						0			0
IMD Finance	4	4	285	4	4	720	4	4	742			22
National Drug Intelligence Center			115			0			0			0
OK 1st TF	13	13	1,169	13	13	1,180	13	13	1,190			10
ONDCP	1	1	1,350	1	1	1,400	1	1	1,442			42
Public Health Service			11						0			0
U.S. Army, Fort Monmouth, N.J.			2						0			0
U.S. Marine Corps, Cherry Point			2						0			0
Various			3,200			3,322			3,446			124
Various States			1,012			1,000			1,030			30
Various U.S. Courts	17	17	3,680	18	18	3,700	18	18	3,812			112
Witness Security			27						0			0
Witness Security Appropriation			90						0			0
Budgetary Resources	62	62	26,424	63	63	\$9,722	63	63	\$4,731			1,009

UNITED STATES MARSHALS SERVICE
REIMBURSABLE RESOURCES
SUMMARY OF REQUIREMENTS
(Dollars in thousands)

	1994 Actual			1995 Estimate			1996 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Obligations by Program:												
Protection of Judicial Process	22	22	\$8,882	23	23	\$8,702	23	23	9,992	...	...	290
National Prisoner Transportation	6	6	6,667	6	6	6,550	6	6	6,746	...	...	186
Fugitive Apprehension	13	13	1,672	13	13	1,780	13	13	1,833	...	...	53
Seized Assets Management .....	...	...	0	...	...	7,700	...	...	7,930	...	...	230
Service of Legal Process	12	12	4,850	12	12	3,800	12	12	3,614	...	...	114
Training .....	...	...	4	...	...	0	...	...	...	...	...	...
ADP/Telecommunications .....	...	...	0	...	...	4,120	...	...	4,243	...	...	123
Management & Administration	7	7	3,349	7	7	70	7	7	72	...	...	2
Total	62	62	25,424	63	63	33,722	63	63	34,731	0	0	1,009

Justification of Increase
Estimates are based on a projection of a small consistent growth.

United States Marshals Service
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease					
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount				
Protection of the Judicial Process.....	2,082	2,045	\$209,939	1,997	2,042	\$210,963	2,123	2,121	\$228,357	126	79	\$17,394

LONG-RANGE GOAL: To ensure the integrity of the Federal judicial system by providing security at all places in which Federal judicial business is conducted, and to eliminate fear of intimidation, retribution, or physical harm on behalf of all judicial participants. To ensure expeditious and secure custody and transportation of Federal prisoners and to acquire sufficient and acceptable detention space for Federal prisoners in Federal facilities.

MAJOR OBJECTIVES:

To ensure prisoner and courtroom security at all Federal judicial proceedings.

To maintain security at approximately 750 judicial facilities across the nation by: evaluating new and changing requirements; providing technical assistance to U.S. Marshals and the Federal judiciary on security procedures; and using the latest state-of-the-art security equipment.

To provide personnel and security systems to protect all high-threat trials, other criminal proceedings, and certain civil proceedings, where warranted.

To augment courtroom security with specially trained Special Operations Group (SOG) Deputy U.S. Marshals for high-risk/threat court security needs.

To provide 24-hour-a-day security services to establish and maintain a threat assessment and risk management methodology service for members of the Federal judiciary (including employees and families) threatened as a result of performing their duties. Security is also provided to sequestered jurors, grand jurors, and judicial conferences.

To protect those endangered witnesses and their families who have been approved for protective services by the Department of Justice, Criminal Division, Office of Enforcement Operations.

To ensure that endangered witnesses can testify without fear of retribution.

To assist witnesses and families in becoming self-sustaining through relocation under new identities.

To ensure that prisoner holding areas in Federal courthouses and prisoner detention cells in U.S. Marshals Service district offices meet minimum National standards for safety, health and security.

To inspect jails for compliance with Federal, State and local detention standards, and to assist in designing and implementing improvements to conditions of confinement, thus reducing adverse court orders and inmate litigation.

To administer the Intergovernmental Agreement, the Cooperative Agreement, and the Federal Excess Property Programs to obtain adequate detention space in Federal court cities.

To receive and produce all prisoners in accordance with court calendars.

BASE PROGRAM DESCRIPTION: The Judicial Security program maintains the integrity of the Judicial process by ensuring that each Federal judicial facility is secure, and that all Federal judges, magistrate judges, prosecutors, and participants can conduct proceedings in an open and safe environment. This program includes the following:

The technical assistance element provides highly trained judicial security specialists to assist U.S. Marshals, judges, and other members of the judicial family in evaluating security risks and planning and implementing responses.

The Court Security element uses personnel and proven systems and procedures to ensure the integrity of the judicial process. Appropriate security measures include screening courtroom participants, packages, and spectators with X-ray equipment and metal detectors outside Federal courthouses; isolating the criminal defendants from the public; and ensuring that an appropriate number of Deputy U.S. Marshals are assigned to the courtroom to preclude or minimize any disruption that could reasonably be anticipated.

The Threat Analysis Division provides information concerning threats to judicial family members, Marshals Service personnel, and to those who are under the protection of the Marshals Service. This includes a centralized Threat Analysis Group that supports operations involving judicial security, high-threat trials, witness security, and enforcement operations (especially the execution of warrants involving violence-prone groups), by preventing acts of violence and intimidation, and providing intelligence information for those members of the judicial family under threat.

The Prisoner Security program guarantees the custody, protection and safety of prisoners brought to court for any type of judicial proceeding. In addition, the USMS is responsible for transporting detainees in the custody of the USMS to and from court proceedings, medical appointments, or other court-ordered appearances, e.g., meetings with attorneys.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and workload estimates of the Protection of the Judicial Process program are presented in the following tables:

Item	Estimates		
	1993	1994	1995
1. JUDICIAL SECURITY *			
a. Criminal trial bench hours	160,988 **	156,832	179,744 195,381***

* Workload statistics for Judicial Security are driven by the Judiciary and therefore, little or no discretion is available to the USMS in performance of these duties.

** Final numbers are not available at this time, best estimates are provided.

Source of data: Administrative Office of the U.S. Courts (AOUSC)

*** Includes the portion of workload data funded by the Violent Crime Reduction Trust Fund (VCRTF)

Court Security: A large portion of the workload of the Marshals Service is generated by other law enforcement agencies, especially the DEA, FBI, ATF and the Customs Service. As these agencies succeed in their efforts to apprehend and prosecute drug traffickers, the Marshals Service must handle an increasing number of lengthy and costly multi-defendant trials. Processing high-threat criminals through the courts takes staffing dedicated specifically to these cases.

Initiatives such as the Comprehensive Crime Control Act, the Organized Crime Drug Enforcement Task Force, the Sentencing Reform Act, the Anti-Drug Abuse Act, the Violent Crime Initiative, and the Crime Control Act all contribute to the increase in the U.S. Marshals Service's security workload. More complex security problems have resulted from these criminal statutes. The Marshals Service must produce growing numbers of allegedly dangerous drug traffickers and other violence-prone individuals in federal courts for numerous proceedings.

Threat Analysis Division: The Threat Analysis Division's (TAD) foremost responsibility is to support operational divisions and District operations by assessing the danger that criminal elements pose to Marshals Service protectees and personnel. A threat assessment, which is often subject to a 72-hour deadline, identifies such individuals or groups and

includes background information on the subject or organization, the motive behind the threat, and addresses the ability of the suspect to "make good" on a threat.

Since 1983, when TAD first investigated threats, members of the Federal Judiciary have been potentially targeted victims in 47 percent of the total threat assessments completed. TAD's capability to provide intelligence and information quickly and accurately is the key to a successful prevention program, resulting in total cost savings to the Service. Through weeding out the bogus threats, TAD assures that managers receive the necessary intelligence upon which to base decisions. Thus, managers can direct shrinking resources to the cases that demand attention.

Special Operations Group: The Special Operations Group (SOG) supplements the regular Marshals Service Deputy staff by carrying out missions involving high threat, and potentially violent individuals or situations. SOG's presence reduces the potential risk to Marshals Service staff and the general public through the use of highly skilled, well disciplined tactical teams capable of handling dangerous, highly stressful situations with a minimum of physical force.

Under the sponsorship of the State Department's Anti-Terrorism Assistance program, SOG has trained foreign law enforcement officers from Bolivia, Poland, the Philippines and Ecuador.

	<u>Estimate</u>			
	1993	1994	1995	1996
2. WITNESS SECURITY				
a. New Principal witnesses	214	197	197	197
b. Cumulative witness workload	6,220	6,436	6,693	6,960*

Source of data: U.S. Marshals Service

* Reflects change not shown in President's Budget

The nature of criminal cases pending in the judicial system underscores the importance of the Witness Security Program. Currently, a number of accused major drug dealers, organized crime participants and other violent gang members are on, or awaiting, trial.

In 1993, the Witness Security Division marked its 20th anniversary of safely relocating principal witnesses and family members who have entered the Witness Security Program on the recommendations of U.S. Attorneys and/or the approval of the Criminal Division, Department of Justice. The Marshals Service provides these witnesses with around-the-clock

protection while they are in threat environments and during their return to danger areas for pre-trial conferences, trials, or other court appearances.

3. PRISONER SECURITY *

	1993	1994	1995	Estimates 1996
Prisoners produced	387,117	358,133**	375,816**	398,365**

* The workload for Prisoner Security is beyond the control of the U.S. Marshals Service. The workload measures listed above are affected by uncontrollable prisoner intake levels, which are determined by Federal arrest and prosecution authorities, and judicial rulings. The Service is required by the Judiciary to receive, produce, detain, and provide security for Federal prisoners.

** The above statistics reflect changes not shown in the President's Budget.

Number of Prisoner Productions: The total number of prisoners presented for appearances at detention hearings, trials, judicial proceedings, and prisoners held in custody who are transported for medical care, meetings with attorneys, transferred between sub-offices, or moved between detention facilities as a result of bedspace shortages.

Since 1981, the Federal detention population has increased 400 percent, from approximately 4,000 in 1981 to approximately 20,000 today. The Federal detention population has stabilized over the past several months. However, the General Accounting Office (GAO) recently confirmed that as a result of the impact of the Sentencing Guidelines, the median time between indictment and conviction rose 40 percent, and the median time between conviction and sentencing rose 70 percent. These findings cover the time frame between 1986 and 1990. Additionally, the Bureau of Prisons' Office of Research recently concluded that there were dramatic increases in the duration of detention between 1987 and 1992 as a result of the Sentencing Guidelines. The research concludes that the time between the initial hearing to adjudication/conviction increased 60 percent, while the time between conviction and sentencing increased 104 percent.

The increases in the duration of detention place additional strains on the Deputies who are required to produce, transport and secure these prisoners throughout the increasingly complex judicial process. Therefore, even at a time when the number of new prisoners coming into USMS custody has begun to stabilize, the fact that Federal detainees stay in USMS custody for longer periods of time results in a "backlog" in the judicial system, placing additional strains on Deputy workload.

The Service has acquired bedspace for an increasing population despite the scarcity of detention bedspace in the State and local facilities that have traditionally housed Federal detainees. This bedspace has been acquired only through increasing numbers of contracts with State and local facilities, either through traditional IGAs or the CAP Program,

which was established in 1982. The Service has sometimes had to acquire this bedspace through innovative approaches, such as the once weekly prisoner airlifts out of the crowded New York City area to available detention space as far away as Texas and Oklahoma. As Federal detainees are housed in an increasing number of facilities and at greater distances from their Federal court proceedings, additional demands are being placed on an already overburdened workforce of Deputy U.S. Marshals.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Protection of the Judicial Process....	1,997	2,042	\$210,963	2,123	2,121	\$228,357	126	79
Opening of New and Renovated Courthouses								
							126	79
								17,394

An increase in funding is requested to provide the personnel necessary to ensure that new and renovated Federal courthouses can open on schedule with adequate security. USMS requests 124 positions (96 Deputy Marshals and 30 support), 79 FTE, and \$12,775,000 in order to provide adequate staff at 31 courthouses where construction or renovation will change operational requirements (10 of these courthouses will be funded for staffing requirements by the Violent Crime Reduction Trust Fund).

Staffing requirements will increase at 31 of the 149 courthouses completing construction or renovation in 1996. Without additional personnel, these courthouses will not be able to open with adequate security. An additional 137 Deputy Marshals and 30 support personnel are needed to provide adequate staffing at these 31 facilities. Of these, 41 Deputy Marshals, 40 workyears and \$16,500,000 are requested within the Violent Crime Reduction Trust Fund (VCRF). The number of personnel required at each facility is based on a variety of factors, including: 1) whether or not the facility is establishing an additional court city; 2) whether the construction or renovation of the facility is the result of a substantial increase in the prisoner population for the city; 3) whether additional judges or magistrates are being added at the facility; and 4) whether or not the facility's cellblock area requires more staffing to secure that of the existing facility.

Based upon the construction schedules provided by the General Services Administration (GSA), it has been determined that USMS will need to hire the 137 new Deputies in three classes (two classes of 48 and one class of 41 students for October 1996, January 1997, and June 1997) in order to have sufficient Deputies available when the construction or renovation of each facility is complete. Funding and FTE for the new positions are requested based upon the portion or the fiscal year that each class will be on-board. Because Deputies are in training for four months before being available for duty, even those Deputies hired at the start of the year will not be available when courthouses open between October and

January. As a result, funds are requested to allow the affected districts to hire guards to supplement their work force during the interim period while new Deputies are training.

Training

Additional funding is requested for four training classes at a cost of \$746,000. Specific requirements are as follows: For Special Operations Group (SOG) training, \$630,000 is requested for 120 DUSMs who have received basic SOG training, to receive recurrent/advanced training in order to maintain and update the acquired professional and technical skills required of SOG Deputies.

Because USMS is in the process of converting USMS Districts on the Prisoner Population Management System (PPMS) to the upgraded Prisoner Tracking System (PTS), funding is requested in the amount of \$75,000 to provide in-depth training for 72 District personnel.

The Threat Analysis Division's (TAD's) Intelligence Unit is responsible for obtaining and disseminating information regarding high threat trials, subversive groups, high profile fugitives, informants, dangerous prisoners, and organized crime figures. The District Threat Coordinator (DTC) is an integral part of TAD's day-to-day capability to provide proactive intelligence that can be used to defuse dangerous situations, predict the scope of threat situations, and advise on prevailing trends. \$30,000 is requested to provide basic and/or advanced training for 30 District Threat Coordinators.

Funding of \$11,000 is requested to provide WitSec Inspectors training on practical application of successful interrogational and interviewing techniques and includes kinetic interviewing, which focuses on interpreting body language. The last time WitSec Inspectors attended this training was 1991.

In addition, \$20,051,000 is requested within the Bureau of Prisons, Buildings and Facilities appropriation to fund the cost of constructing and renovating prisoner holding facilities within the 149 courthouses.

Special Assignments

USMS requests an increase of \$3,000,000 for Special Assignments Funding. The proposed change would provide USMS with funds for activities undertaken to provide security for extraordinary situations. In 1995 the USMS received a program increase of \$2,000,000 for extraordinary situations to augment the base of \$6,148,000 for regular special assignments. Regular special assignments occur when judicial security, witness security, or enforcement requirements in a particular district temporarily exceed that staffing capacity of that district, and Deputy Marshals from other districts are brought in to fill the void, or additional funds are required by the district for guards or other forms of reinforcement. Extraordinary special assignments occur when the level of security at a trial or witness production far exceeds the norm, and significantly more personnel and equipment are required. Situations that have created extraordinary special assignments include the World Trade Center bombing trials and foreign legal proceedings that are conducted in the United States for security reasons. The addition of \$3,000,000 to the amount that USMS has available for extraordinary special assignments is necessary to ensure that USMS is not forced to reduce security in most districts in order to provide adequate security for those districts facing extreme circumstances.

An increase of \$302,000 is requested to implement a system that would 1) scan paper documents and external databases and integrate information from them into text files; 2) compile these materials into prescribed formats at each user workstation; and 3) develop graphical presentations of the information. By performing these functions the system would allow TAD to prepare threat assessments and other work products much faster than at present. It would also allow TAD staff to present information in a more effective manner.

Judicial Security System - The need for national judicial security information system was established by the 1982 Attorney General's Task Force on Court Security, but this system has yet to be implemented. The lack of such a system was noted as a point of criticism in a recent draft General Accounting Office report on judicial security. The creation of a judicial security information system is essential for USMS to be able to determine the resource requirements of each judicial district and facility. Such a system would contain the information included in the security survey of each judicial facility, as well as other information describing the security requirements in the district, such as staffing levels and the threat environment. An increase of \$466,000 is requested to implement this system.

Special Assignments System - USMS currently maintains information on locations, staffing levels, and cost of special assignments only in individual paper formats. As a result, it is highly labor intensive to produce summary statistics on the national trends for each of these items. A database that kept an automated record of the details of each assignment would allow such statistics to be produced and used by managers. Similarly, on-line data is needed on the availability and skills of USMS personnel who might be diverted from their regular duties to special assignments. An increase of \$5,000 is requested for equipment and software necessary to set up the database and integrate it with other USMS systems.

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease Perm.					
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.				
National Prisoner Transportation.....	159	177	\$38,329	152	173	\$39,785	152	173	\$39,935	\$150

LONG-RANGE GOAL: To ensure expeditious and secure transportation of Federal prisoners.

MAJOR OBJECTIVES:

- To reduce staff time, travel costs and jail expenses associated with the transportation of prisoners by improving scheduling and processing techniques and maximizing the use of secure mass transportation systems.
- To develop and maintain an automated prisoner management information system monitoring Federal prisoner populations and reducing transportation expenses.
- To expand the National Prisoner Transportation System (NPTS) capabilities to further reduce costs and increase services to other Federal agencies on a reimbursable basis.
- To participate in the continued development of the prisoner transportation scheduling system.

BASE PROGRAM DESCRIPTION: This program supports the Federal judicial system through the timely transportation and movement of Federal prisoners via the National Prisoner Transportation System. Individuals arrested or detained for violation of Federal statutes are remanded to the custody of the Marshals Service. Sentenced Federal prisoners are transported to Federal institutions for service of sentence.

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993		1994*		Estimates	
	1995*	1996*	1995*	1996*	1995*	1996*
Number of Prisoner Movements.....	188,126	179,636	197,600	217,360	197,600	217,360
Number of Prisoner Movements via NPTS.....	160,108	152,240	167,464	184,210	167,464	184,210
Number of Support Movements to NPTS.....	28,018	27,396	30,136	33,150	30,136	33,150
Number of Trips Required.....	11,541	9,326	10,273	11,300	10,273	11,300

* Reflects changes not shown in the President's Budget

Number of Prisoner Movements: The total number of Prisoner Movements via NPTS, and Support Movements to NPTS.

Number of Prisoner Movements via NPTS: The number of prisoners transported on a scheduled and coordinated trip assigned by NPTS to a USMS District.

Number of Support Movements to NPTS: The number of prisoners transported by a USMS District in support of another District's scheduled NPTS movement. For example, support movements are frequently necessary in conjunction with the Airlift, as prisoners often require ground transportation within another District in order to reach their final destination.

Number of Trips Required: The total number of trips by USMS Districts and Air Operations Division necessary to complete all required prisoner movements.

Historically, the Marshals Service has achieved cost reductions and productivity improvements as a direct result of the development and implementation of plans to transport prisoners in mass numbers and to speed up the movement process, thereby allowing a decrease in the more costly commercial air and air charter travel. For the period 1979 to 1993, NPTS prisoner movements increased 410 percent from 31,407 in 1979 to 160,108 in 1993. These movements are expected to reach a level of 167,464 by 1995, an increase of 4.6 percent over the 1993 level. So successful were the program changes that for the period 1980 through 1993, commercial air use for transporting prisoners was reduced by 76.3 percent (7.6 percent of total movement in 1980 to 1.8 percent of total movement in 1993). The reduction in commercial air use provided millions of dollars in direct savings as well as enhancements in prisoner security and safety to the public, due to the fact that commercial air travel is the least secure method of transporting prisoners. These program improvements and productivity increases were made possible through well-planned program changes which included the operation of a Boeing 727 Jet acquired at no cost in 1986. The aircraft provided expanded service to USMS and BOP locations. In 1988, additional improvements were made in the scheduling process, and a second B-727 aircraft was acquired in order to satisfy the increased demands for this type service. The second large aircraft extended airlift service to 16 additional cities, for a total of 35 major cities now served by NPTS large aircraft.

As a further example of the continued accomplishments of NPTS, the load factors for each trip have steadily increased from 1985 to 1993, rising by 23 percent. In 1985, 5,710 trips were required to transport 64,345 prisoners or 11.27 prisoners per trip. In 1996, 184,210 prisoner movements are expected by NPTS using 11,300 trips or an average of 16.3 prisoners per trip. These are major accomplishments, considering the problems faced by NPTS today and reflect favorably upon the ability of NPTS to make the best use of program resources and to identify new ways to improve the system.

NPTS is now one of the most valuable resources available to the law enforcement community. It transports large numbers of dangerous prisoners safely and within court-ordered deadlines, and it does so at a fraction of the commercial air cost. The 1993 cost per-prisoner-moved via the USMS airlift was \$245, less than one-third the commercial air cost of

\$807. NPTS also plays a significant role in the war on drugs by providing air support for extraditions of major drug crime figures to the United States, and has been called upon to support mission operations associated with civil unrest (the Los Angeles riots) and natural disasters (Hurricane Andrew). NPTS also serves the Bureau of Prisons, Immigration and Naturalization Service, State and local governments, and the U.S. Military (Army, Air Force and Navy).

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY	Perm.	NY	Perm.	NY
National Prisoner Transportation.....	152	173	\$39,785	152	173	\$39,935
Information Systems						\$150

USMS has historically maintained all information about individual national prisoner movements on index cards. USMS is requesting \$150,000 for development of an automated prisoner transportation scheduling system.

1995 Appropriation

	Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY	Perm.	NY	Perm.	NY	Perm.	NY
Fugitive Apprehension.....	595	594	\$54,660	572	581	\$57,178	572	\$57,178

LONG RANGE GOALS: To provide for the public safety and to ensure the integrity of the criminal justice system through the execution of warrants of arrest through the apprehension and prosecution of Federal fugitives.

MAJOR OBJECTIVES:

To effectively manage resources to ensure the most expedient execution of Federal warrants that are the responsibility of the Marshals Service.

To focus resources on the most significant fugitive cases and to continue to develop investigative, analytical and electronic surveillance methods crucial to the successful outcome in such cases.

To develop methods to more effectively communicate national program objectives in District offices to include upgraded automated information collection, program review and training.

To enhance methods of fugitive apprehension in foreign locations and to continue to conduct international extraditions of fugitives apprehended on foreign soil.

BASE PROGRAM DESCRIPTION: The Marshals Service acts as the "sheriff" in the Federal criminal justice system and is the only Federal agency primarily responsible for the apprehension of fugitives from justice, i.e., escapees, bail jumpers, parole and probation violators and others. Each year, the number of fugitive warrants issued from Federal courts increases. From 1990 to 1993, the number of newly issued Federal felony fugitive warrants rose from 17,600 to 21,000, an increase of 19.3 percent.

The Marshals Service uses various methods to reach beyond the boundaries of the U.S. in the apprehension of fugitive felons and is a member of International Police (INTERPOL) with representatives in France and at the National Central Bureau in Washington, D.C. The Service supplements INTERPOL international law enforcement support by maintaining close working relationships with foreign country law enforcement officials and with DEA and FBI officials in various foreign locations.

The Service continuously improves on methods to apprehend fugitives most effectively: specially coordinating task forces; bringing together the special talents of certain investigators for intense cases; ceaselessly improving on electronic surveillance techniques; applying special analytical methods; and upgrading the use of automated information systems.

No additional resources are requested for this program.

Item	1993	1994	Estimates	
			1995	1996
Felony Fugitive Cases				
Fugitive Felon Warrants Received.....	18,795	17,508*	18,208*	18,936*
USMS Fugitive Felon Arrests (all categories).....	32,508	23,117	24,041	25,002
* Reflects changes not shown in the President's Budget				

Marshals Service investigators continue to produce an impressive number of arrests each year. In 1993, Marshals Service investigators executed over 10,900 Federal warrants by arresting fugitive felons. In addition, the Marshals Service assisted other Federal agencies with the arrest of 8,000 felons based on Federal warrants and executed over 8,700 misdemeanor warrants.

In 1993 the Marshals Service undertook the highly successful Operation Trident. This nationwide operation joined Marshals Service investigators with State and local law enforcement personnel to apprehend violence-prone and drug-associated fugitives based on State, local and Federal warrants. Without overlapping caseload with any other task force effort, including the Safe Street task forces sponsored by the FBI, Operation Trident netted 5,788 arrests (1,706 Federal arrests and 4,082 non-Federal arrests) over a ten week period during the Spring of 1993. The operation continued through the end of 1993 at a reduced level and an additional 1,648 fugitives were arrested, of whom 730 were Federal fugitives. This operation was conducted using funds provided by the Special Forfeiture Fund. Additional special operations are not planned due to funding restrictions.

The incidence of fugitives escaping the boundaries of the United States to find refuge in foreign countries is on the rise. Tom Billman, one of the Service's 15 Most Wanted fugitives and the subject of a worldwide fugitive hunt, was arrested in France in March of 1993 as a result of the Service's effort. The U.S. Postal Service requested that the Marshals Service apply its investigative resources to locating fugitive Tom Billman. These investigative resources included the worldwide publication of information about the fugitive in the International Herald Tribune. The French police, responding to a call from a citizen who had read an article derived from the Tribune article, arrested the fugitive.

Since 1983, the Marshals Service has been primarily responsible for the location and apprehension of foreign fugitives in the United States as designated by the National Central Bureau, INTERPOL. The Marshals Service continues to maintain a representative to the position of Deputy Chief for its Alien/Fugitive Section.

The success by the Marshals Service in locating foreign fugitives in the United States has generated a substantial increase in requests for assistance from foreign governments each year. In fact, the number of direct requests for assistance from foreign officials has increased over the last two years by 140 percent.

As international politics and diplomatic policies continue to change, the extradition process becomes more complex and time-consuming. In most cases, the process involves close coordination with officials of the host government and with officials of the Department of State where all documents are certified and presented through diplomatic channels. In matters of expulsion and/or deportation, the Marshals Service coordinates directly with the host country's law enforcement authorities. Since 1987, the Marshals Service has begun the process of extradition, deportation or expulsions in 1,045 cases of which 833 actually have been conducted.

	1995 Appropriation Anticipated		1995 Base		1995 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount
Seized Assets	418	179	418	179	402	404	16	15
Management.....		\$23,911		\$27,817		\$27,817		\$4,906

LONG-RANGE GOAL: To deter crime by depriving criminals of assets used in or obtained through criminal activities.

MAJOR OBJECTIVES:

To develop and implement sound policies and procedures resulting in the timely and efficient seizure, inventory, protection, and disposal of targeted assets, utilizing a balanced mix of services performed by Federal employees and contract vendors.

To ensure that waste, fraud and abuse are avoided by establishing controls over payments for services required to manage and dispose of seized and forfeited property.

To supplement the government's efforts to effectively utilize forfeiture statutes as a criminal deterrent.

BASE PROGRAM DESCRIPTION: Asset seizure and forfeiture is one of the most potent weapons in the Department's law enforcement program, especially when it is targeted at large criminal organizations such as illegal drug enterprises. The U.S. Marshals Service is the Department of Justice component responsible for executing court orders, managing seized assets during the pendency of the forfeiture action, disposing of these assets in a commercially sound manner, and administering the collection of deposits to the Assets Forfeiture Fund. Beyond the efforts required to secure, inventory, appraise, store, and manage properties, the U.S. Marshals Service participates in extensive pre-seizure planning with investigative and prosecutive agents, and the courts.

The types of activities that need to be performed by the Marshals Service in this program on a daily basis are more analogous to those performed by a Fortune 500 company than a Federal law enforcement agency. However, since asset seizure and forfeiture is a law enforcement tool, attention to the "bottom-line" is often secondary to the primary law enforcement objective, removing the instruments of the crime from the wrong-doer (e.g., crack house, conveyances used to smuggle illegal aliens, weapons, etc.).

No additional resources are requested for this program.

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993	1994	Estimates
Total properties seized*	37,969	30,144	30,445
Property in custody (End of Year)	27,122	21,965	22,544
			22,769

* Reflects changes not shown in the President's Budget

The majority of resources are expended in the seizure, management, and disposal of personal property, real property and businesses. These asset categories represent 75 percent of the Marshals Service's inventory in terms of numbers. The proper handling of these assets is labor intensive and does not account for a substantial portion of income to the Assets Forfeiture Fund.

Among the major responsibilities of the Marshals Service is the need to ensure that those assets in our custody are adequately safeguarded in a manner that is commensurate with their value and that the value of those assets is not unduly diminished as a result of our actions. The ability of the government to demonstrate asset forfeiture as a powerful law enforcement weapon, while maintaining the trust of the general public, will depend to a large degree on how the Marshals Service executes its responsibilities.

The following outlines those activities in which the Marshals Service engages that account for the largest usage of resources and the greatest vulnerabilities to the program:

Real property seizures pose the greatest challenge to this program. Real property is costly to manage, and disposal requires detailed technical knowledge, but if properly handled can yield significant returns in terms of income to the government. Real property seizures involve a number of considerations which have complicated the management and disposal of a wide range of houses and commercial properties, including: environmental contamination; local and national property-use directives such as historic preservation requirements; title insurance requirements; occupancy and eviction issues; problems related to securing and maintaining a crack house; as well as arson and hidden traps set by criminal property owners.

Seized businesses, which account for only a small fraction of total seizures, are at times very complex. Workload management at the district level entails acquiring a business audit, evaluation, and appraisal; determining whether to continue operation or close the business; developing an operating plan; acquiring technical experts to provide business management services; and development of disposal alternatives. In addition, the degree of oversight necessary to properly preserve and manage seized businesses makes them the greatest vulnerability in the inventory. Personnel charged with oversight of seized businesses must manage technical experts in all areas of business management, including corporate charters, tax issues, partnership issues, and management of the particular type of business itself.

Personal property which includes conveyances, jewelry, weapons, electronic equipment, animals, and collectibles represents 55 percent of the inventory in terms of number, but only 9.5 percent of the value (\$185 million). Though the overall value of this category of assets is comparatively low, the volume mandates that a significant portion of resources be utilized to handle the chain-of-custody requirements to seize, manage, and dispose of these assets. Workload management at the district includes tasks such as inventory control, case file preparation, procurement responsibilities, contract administration, preparation for sale, and accounting for sale proceeds. While these functions in and of themselves are typically not complex in nature, they are extremely time consuming.

Currency represents one-fourth of all seizures in terms of number, and half of all seizures in terms of value. Currency forfeitures account for almost three times as much income to the Assets Forfeiture Fund as proceeds from forfeiture sales. During 1991 the Marshals initiated over 9,788 cash seizures, while closing another 11,269 cash cases. Thus, the proper accounting for and expeditious disposal of forfeited currency are major priorities for U.S. Marshals. As with personal property, the amount of administrative record keeping and paperwork involved in ensuring a solid chain-of-custody from the seizing agency to the Marshals Service has stretched many of our Districts' capabilities to the maximum.

Equitable sharing transfers to State and local law enforcement agencies, which require processing by Marshals Service personnel, have steadily increased over the past five years, and the Service anticipates executing approximately 26,900 sharing decisions in 1995. While decisions on asset sharing are made by the investigative agency or the U.S. Attorney's office, the Marshals Service is responsible for liquidating assets and disbursing the proceeds. The Marshals Service is committed to executing the disbursements of forfeited cash and sale proceeds quickly. Also, the Service continually responds to inquiries regarding the status of cases from anxious recipient agencies, and provides statistics regarding the sharing program for State legislative offices, local law enforcement agencies, the media, and Congressional Offices.

Deputy U.S. Marshals make up a declining portion of the workforce handling the functions outlined above, with the remainder made up of various property management and administrative support personnel.

While Deputy Marshals are critical to the pre-seizure and seizure phases of the process, the majority of the workload and highest vulnerabilities associated with the Seized Assets Program begin when a property is taken into custody. Deputy Marshals, who frequently lack the necessary technical or administrative expertise, are frequently put in a position of performing technical property management and administrative functions. This factor adds to the government's cost in accomplishing our asset management and disposal responsibilities. Moreover, Deputy U.S. Marshals personnel are frequently pulled from asset management responsibilities to perform more traditional law enforcement tasks, such as court security, which is disruptive to program operations.

	1995 Appropriation Anticipated			1995 Base			1995 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
D.C. Superior Court.....	158	149	\$12,200	152	146	\$12,833	152	146	\$12,833	...	...	...

LONG RANGE GOAL: To provide the Superior Court of the District of Columbia services usually performed by a local sheriff.

MAJOR OBJECTIVES:

To provide security throughout the four Superior Court Buildings and for the judicial activities conducted there.

To serve process for the Superior Court.

To produce prisoners for the Superior Court.

To refine the organizational structure in order to improve the quality, efficiency, and accountability of services provided to the Superior Court.

BASE PROGRAM DESCRIPTION: The Office of the U. S. Marshal for the Superior Court in the District of Columbia performs functions which are local in nature and are typically performed by a sheriff or similar local official. The Marshal Service supports the Superior Court with activities that are outside Federal jurisdiction in other Districts. These include such matters as serving warrants for nonpayment of child support and conducting court-ordered evictions. At the same time, though, this office performs services done in all the other Marshals Service District offices, including protecting the judiciary, prisoner transportation and detention, and tracking fugitives.

The D.C. Superior Court and Court of Appeals have 104 judicial officers consisting of 69 judges, 15 commissioners (magistrates), and 20 judges-in-senior-status occupying 84 courtrooms and hearing rooms, located in four separate buildings. This court operates six days a week, including all holidays, and handles a wide variety of judicial cases including: Criminal (Felonies, Accelerated Felonies, Traffic Felonies, and U.S. Misdemeanors involving injury); CIVIL (including major actions above \$2,000); Family (Domestic Relations, contested divorces, contested custody, etc., Domestic Relations Trials, and Family Trials); Commissioners (mental health hearings, small claims, U.S. misdemeanors

not involving injury, D.C. traffic, preliminary hearings, arraignments, and family hearings); and Special Mattara (Chief Judge criminal cases, and tenant disputes).

Unfortunately, the Nation's Capital remains at the top of the list for murders and other drug-related and violent crimes, and the Director for National Drug Control Policy focused national attention on the District's drug plight. While inherently a local issue, drug-related and violent crimes in D.C. require direct Marshals Service involvement. Currently, the average ratio of Deputies to prisoners under guard or escort is one Deputy to 8.5 prisoners. Deputies must escort these prisoners down 100-foot long corridors and in elevators, when moving them between cellblocks and courtrooms. There is no video equipment to monitor these escorts, which normally take eight to ten minutes to accomplish.

The current shortage of Deputies prevents this District from meeting Agency-established standards for judicial protection by limiting the level of judicial security the Marshals Service is able to provide to judicial officers. Of the Deputies currently on board, 50 are required each day to provide judicial security and produce prisoners for about 40 of the 72 courtrooms. Ten Deputies are assigned to execute warrants, six are assigned to handle prisoner movements involving warrants of removals, and two are assigned for judicially ordered seizures. A full complement of Deputies is rarely available, once special assignments, leave (both annual and sick), and emergency situations come into play. With the exception of co-defendant cases, there is only one armed Deputy U.S. Marshal assigned to the courtroom for protection of the judge and supervision of the prisoner in custody. In order to provide the same level of protection for the judiciary that exists in U.S. District Courts, it is essential that each criminal court be assigned an armed Deputy to protect the judges and an armed Deputy to guard the defendants.

As of January 21, 1992, the Grand Jury for the Superior Court, located in the U.S. Attorney's Office, three blocks from the Court, has required an average of six Deputies to handle an average of eight prisoners daily. The Metropolitan Police Department, which for years had assisted the Marshal's Office, is no longer available to handle prisoners and witnesses. As a result, there are no backup Deputies available in the squad room if and when a crisis arises in the courtrooms or cellblocks. Such crises average three per week. On an average day, 400 prisoners are transported from the D.C. City Jail Lockup to the cellblock, using eight vehicles (three buses and five vans) and requiring numerous daily trips. An average of 100 prisoners are transported to the District's cellblock by D.C. Metropolitan Police as a result of daily arrests. Marshals Service personnel are required to be in attendance in 31 criminal courts each day, five days a week, including all holidays. On Saturdays, Arraignment Court is in session, usually handling over 100 prisoners.

1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Perm.	
Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY
Service of							
Legal Process.....	184	193	\$16,842	176	189	\$17,604	...

LONG RANGE GOALS: To ensure the integrity of the criminal justice system through the timely execution and aggressive enforcement of Federal court orders.

MAJOR OBJECTIVES:

To provide for the timely and efficient service of legal process, court orders and warrants in support of the Federal Judiciary.

To establish service of process fees that are fair and competitive with private process servers, and in turn, recover all costs, including sales commissions, associated with such services.

BASE PROGRAM DESCRIPTION: Every year the Marshals Service executes hundreds of thousands of summonses, writs, mandates, and other legal process for the Federal courts, U.S. Attorneys, private litigants, Federal agencies, foreign governments, and others. Service of Legal Process includes summons and complaints in civil actions, subpoenas in both civil and criminal actions, writs of habeas corpus, and enforcement of major injunctions. This program is responsible for providing law enforcement assistance for nuclear weapons movements through reimbursable agreements with the Joint Cruise Missile Project Office of the Department of Defense and the U.S. Air Force. Additionally, Service of Legal Process provides specific assistance to State and local law enforcement agencies.

The Anti-Drug Abuse Act of 1988 amended 28 U.S.C. 1921 and provided for the collection of fees and commissions for the personal service of non-Government civil process by Deputy U.S. Marshals. The amended statute (Sec. 7608(c), P.L. 100-690) permits the Attorney General to set fees and commissions. Regulations establishing new fees and commissions for the service of process became effective in February 1991. As a result, the Marshals Service has collected receipts in this program amounting to \$1.4 million in 1990, \$2.4 million in 1991, \$3.6 million in 1992, and \$3.1 million in 1993.

For non-warrant court orders, 70 percent are served in person, 20 percent served by mail and 10 percent are returned to the court unexecuted. What at first may appear to be routine work (e.g., summonses and complaints filed in debt collection cases) frequently requires significant investigation by the Deputy U.S. Marshals as they try to locate the individuals

attempting to avoid service. The quantity and complexity of the Marshals Service's workload are determined, in large part, by decisions made by the U.S. Attorneys, investigative agencies, and the courts.

The Marshals Service recognizes the importance of tracking the service of process and is developing a component in the Seized Assets Management System in an effort to collect more meaningful information. While service of process remains an important fundamental function of the Marshals Service, the establishment of policies, the monitoring of those policies to ensure compliance, and the analysis of data to measure the effect of policy in order to make service of process a more efficient function have been limited due to insufficient resources, both automated and human.

The assistance the Marshals Service provides to the Federal Courts through the execution of court orders is practical and fundamental. U.S. Marshals have performed the service of legal process function reliably for more than 200 years. By delivering court documents correctly and assuring that the conditions within them are successfully met, the Service ensures that the Federal justice system is able to continue to operate smoothly and efficiently.

No additional resources are requested for this program.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Training.....	27	24	\$4,231	26	24	\$4,432	26	24	\$5,732	...	...
											\$1,300

LONG-RANGE GOALS: To ensure that all personnel within the United States Marshals Service receive on a scheduled re-occurring basis the knowledge and skilled training necessary to support the mission of the agency, i.e., protection and support of the judiciary, apprehension of fugitives, seizure of assets, security of witnesses, and the transportation and housing of Federal prisoners in the most cost effective manner.

MAJOR OBJECTIVES:

To implement Service-wide training for support personnel in ADP initiatives scheduled to be on-line in 1995, as well as recurrent training on upgrades to existing programs. These include the Marshals Service Network (M-NET) and the Financial Management Information System.

To ensure that all newly promoted supervisory and Chief Deputies receive mandatory first and second level training, and provide current managers with recurrent training.

BASE PROGRAM DESCRIPTION: This program provides and oversees the training of all Marshals Service personnel. The Training Program responds to the ever-increasing demands for courses of instruction to produce a highly competent and professional workforce capable of performing assigned tasks efficiently, effectively and safely.

Consistent with prior years, the Training Academy's first training priority is to provide the highest quality of instruction for new Deputy Marshals. During 1993, the Academy conducted two Basic Deputy classes, graduating 90 recruits from the 14 week program. A curriculum conference review committee met during the year and suggested some minor modifications to the existing program. Overall, the Academy conducted 60 separate courses and conferences for 1,419 agency and 249 State and local law enforcement personnel. This constituted a total of 8,565 training days. The Academy also provided newly specialized training in a number of the following areas:

1. **Recurrent Deputy training:** The Training Academy instituted an ongoing program for senior Deputies. It established a concerted effort on behalf of the Service to provide a systematic approach in reacquainting our operational personnel with a number of topics. The program focuses on disaster relief preparedness, as well as expanded training in computer applications and traditional law enforcement techniques.
2. **Expandable baton training:** The Training Academy designed and implemented a "train the trainer" program which allows the Service to integrate an intermediate weapon into its inventory and our continuum of force model. By certifying 120 Deputies as instructors, all operational personnel were able to receive training with minimal resource expenditures.
3. **In-District Training Module:** The Academy began work towards developing alternative delivery systems for training; i.e., 1) a two pilot in-district training module for Bloodborne Pathogens and Firearms Policy; and 2) a Regional Training Seminar, designed to have staff travel to the field rather than the field travel to the Academy for training.

Also, taking advantage of its computer laboratory, the Academy provides training for USMS administrative personnel on the Financial Management Information System, the National Finance Center Program, the Prisoner Population Management System, and the Seized Assets Management System. By centralizing and standardizing the computer-related training, the Service is able to effectively bring these new programs and upgrades on line within minimum timeframes.

Training remains an essential ingredient in the quality of a law enforcement agency, and the Marshals Service has developed the most effective, comprehensive, state-of-the-art training program in its long history. A combination of

high-tech equipment, dedicated instructors, and priority attention to the training mission makes Marshals Service personnel among the best trained law enforcement officers.

PROGRAM CHANGES:	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Training.....	26	\$4,432	26	\$5,732	...	\$1,300

Training

USMS will have sufficient training funds in its 1996 base to hold only two classes, each of which would be for 48 new Deputy Marshals who would be hired to fill vacant positions. USMS requests an increase of \$1,300,000 in order to increase the number and types of classes held. Some of these classes will be funded through decision units other than the Training unit. The classes to be held and the number of students to be trained are listed below.

Class	Students	Cost
Administrative Officer	96	\$ 81,000
Advanced Court Security	45	82,000
Advanced Deputy	336	438,000
Advanced Supervisory	40	66,000
Basic Witness Security	22	30,000
Baton Instructor	20	19,000
Chief Deputy	104	123,000
Computer Security	96	102,000
Firearms Instructor	20	31,000
Financial Management	24	16,000
Human Resources	25	53,000
Introductory Supervisory	40	84,000
Jail Inspection	150	100,000
Prisoner Detention	24	19,000
Radio Communications	72	56,000
Total	1,114	1,300,000

1995 Appropriation		1996 Base			1996 Estimate			Increase/Decrease	
Anticipated		Perm.			Perm.			Perm.	
Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Pos.	Amount
ADP and Telecommunications...	28	21	\$19,674	27	21	\$20,385	27	21	\$20,385
LONG-RANGE GOAL: To provide all operational, administrative, and managerial functions of the Marshals Service with modern computer and communications equipment, software, and staff support to improve productivity and personnel safety.									

MAJOR OBJECTIVES:

To modernize District information technology systems and complete office automation systems at Headquarters.
To expand the radio and telecommunications systems to strengthen operational law enforcement capabilities.

BASE PROGRAM DESCRIPTION: The Marshals Service telecommunications systems provide rapid data/voice communicating via local area networks, modems, telephones, facsimile transceivers, and visual display terminal systems, as well as radio systems to support all Marshals Service missions. The Information Technology Program provides USMS policy, program and functional users with mission-critical information how, when and where they need it.

The foundation of the Information Technology program is the installation and operation of the Marshals Automated Resources Supporting Headquarters and Local Systems (MARSHALS) Network. The MARSHALS Network provides USMS access to local and remote applications, and enables them to reach central sites and national databases. District office Local Area Networks (LANs) are interconnected to form a Wide Area Network (WAN), using FTS 2000 data communications lines (9.6kb speed).

The applications accessible through the network range from local administrative systems (e.g., the Hand Receipt System to better maintain accountable property) to major agency-wide systems, such as the Prisoner Tracking Systems (PTS) and Departmental systems such as the Financial Management Information System (FMIS).

The MARSHALS Network adheres to Government Open Systems Interconnection Profile (GOSIP) standards. Pursuant to the Departmental goal of migrating to such open systems, the Marshals Service could become a leader in the Federal justice community to use GOSIP "open systems" architecture. As a result of a Department of Justice open systems conference held

in January 1993, the Marshals Service is actively working with two Departmental working groups to promote the use of electronic mail and network technology.

Our network technology provides better connectivity to a variety of existing, automated information systems at lower costs. The MARSHALS Network provides numerous opportunities for United States Marshals to interoperate (talk to) databases administered by the federal investigators, immigration agents, attorneys and prison officials members of the Federal justice community the Marshals do business with each day.

No additional resources are requested for this program.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease					
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount				
Management and Administration.....	203	100	\$17,812	169	91	\$17,976	169	91	\$27,046	\$9,070

LONG-RANGE GOAL: To plan, develop policies, direct, manage, budget and administer the Marshals Service's enforcement responsibilities.

MAJOR OBJECTIVES:

- To provide safe and secure working conditions for all Marshals Service personnel.
- To correct cellblock, security and prisoner movement deficiencies in Marshals Service facilities.
- To provide executive leadership and policy guidance to operational and administrative staff for efficient and cost-effective operations.
- To ensure a high standard of integrity, loyalty, and conduct among all Marshals Service personnel.
- To disseminate information about Marshals Service activities to employees, public officials, other agencies and the public.

- To provide efficient and effective personnel management.
- To assess personnel and financial resource needs by program, obtain adequate resources and manage them effectively.
- To maintain an effective Equal Employment Opportunity Program.
- To procure and maintain equipment in support of District and headquarters requirements.
- To improve overall management of and accountability for Marshals Service property.

BASE PROGRAM DESCRIPTION: The Marshals Service could not function adequately without its management and support services, all of which directly support the operational mission. This program covers a wide range of activities -- legal guidance and representation, recruitment, procurement, space management, management studies, financial management, and personnel security.

The Financial Management Policy, Analysis and Systems Division is a new component of the U.S. Marshals Service, Office of Financial Management, established with the mission of ensuring compliance with the Chief Financial Officer (CFO) Act of 1990 through improved financial management systems, policy and business practices. This component participates in developing financial systems to support planning, programming, budgeting, accounting, workplan management and other financial activities. In the process of systems operations, the office reviews, analyzes, evaluates and certifies system conformance to financial management policies promulgated by OMB, GAO, DOJ, and USMS, and implements and maintains the Financial Management Information System which has become the standard financial management system for all DOJ components.

The Finance Division consists of the Headquarters Operations Branch and District Operational Branch. The Headquarters Operations Branch is responsible for the maintenance and support of all aspects of the Headquarters financial operations. This includes obligation creation and reconciliation, payment of all indebtedness, processing of all temporary duty travel vouchers, control of the PCS reserve which includes processing of all vouchers for relocated employees, control over employee advance accounts, control of the Binera Club Credit Card program, and establishment and dissemination of policy for financial and travel matters. The District Operations Branch provides financial guidance and support to the 94 USMS districts (more locations if HQ and sub-offices are included) and monitors the obligations, collections, and disbursement functions to ensure the integrity of financial data recorded within the financial systems. The District financial transactions involve five major appropriations, including the Salaries and Expenses, Assets Forfeiture Fund, Support of U.S. Prisoners, Court Security, and Fees and Expenses of Witnesses. In addition, the District Operations Branch monitors collection and disbursement activities in the Seized Assets Deposit Fund, and the Civil Deposit Fund. Other functions include interpretation of GSA, GAO, DOJ, and U.S. Treasury Department guidelines and disseminating information in the form of written policy and classroom training to the USMS Districts.

The Budget Division is responsible for formulating, justifying and executing the U.S. Marshals Service, and Support of United States Prisoners budgets. The Division coordinates the submission of the Court Security appropriation with Administrative Office of the U.S. Courts and coordinates the Protected Witness Component of Fees and Expenses of Witnesses with the Department of Justice. The Division provides budget execution training for Chief Deputies, supervisors and other field personnel. The Budget Division provides financial advice to senior USMS management and USMS District offices on budget issues. The Division serves as the point of contact with OMB, the Department of Justice budget staff and Congressional staffs for budget submissions and issues.

The Employment & Compensation Division provides a full range of personnel service for approximately 4,000 permanent and temporary employees. It consists of three branches: Merit Promotion and Headquarters Staffing Branch; Field Staffing Branch; and the Policy and Pay Branch. These branches are responsible for developing and administering service-wide recruitment programs, policies and procedures, directing USMS programs in the areas of position classification, pay, recruitment, staffing, merit promotion, performance management and personnel processing, processing personnel actions and maintaining personnel records, administering the USMS performance awards programs, maintaining the USMS register, administering the Cooperative Education Program, managing the Executive Resources Program, administering leave, time and attendance processes, providing processing services, managing the Worklife Program, developing and maintaining personnel examining instruments, administering the retirements and benefits program and unemployment compensation program, and giving general personnel management advisory services to the U.S. Marshals Service.

The Employee Relations Division is responsible for several major program areas consisting of: the Employee and Labor Relations Branch, the Health and Fitness Branch and the Employee Assistance Program. The Employee and Labor Relations Branch provides advisory services on disciplinary actions, adverse actions including denial of within grades, labor relations, Unfair Labor Practices (ULP) Charges, and grievances filed under the negotiated and agency grievance procedures. They also administer the Worker's Compensation Program. The Health and Fitness Branch manages the Fitness-in-total program, the medical program, the drug testing program, and the fit for duty program. The Employee Assistance Program assists employees in dealing with virtually all behavioral and personal problems and refers employees to the appropriate form of care. It also encompasses the Critical Incident Response Program which dispatches teams of counselors and Peer Support Team members (USMS employees) to support the U.S. Marshals Service employees and their families in crisis situations.

The Procurement Division is responsible for purchasing all supplies, services, and construction (as authorized by law) as well as providing oversight of District procurement. The actual procurement activity is broken into two categories: Headquarters and District requirements. Headquarters Requirements: The Procurement Division is responsible for all procurement regardless of dollar value. District Requirements: The Districts have been delegated procurement authority up to \$25,000. The Procurement Division is responsible for the purchase of supplies and services for all actions over \$25,000. Additionally, the Procurement Division is responsible for assisting the Districts with the acquisition of procurement-related training, issuing and maintaining delegations of procurement authority, issuing and maintaining

Contracting Officer's Technical Representatives (COTR) certificates ensuring that all COTRS have received the required training, and performing District reviews.

The Office of Program Compliance is responsible for two major program areas, Policy Review and Equal Employment Opportunity. It consists of two branches, the Affirmative Employment Program Branch and the Complaints Processing Branch. The Affirmative Employment Programs Branch is responsible for coordinating the USMS programs and policies that are designed to recruit, develop and retain women, minorities and persons with disabilities. The Office is responsible for the Black Affairs, Federal Women's, Hispanic Employment, Native American, Asian-Pacific Islander and the Disabled Veterans/Selective Placement Programs. It develops and implements agency-wide training programs on cultural diversity, sexual harassment and minority recruiting. The Policy Review Division administers the Management Control Program for the Marshals Service. It reports to the Department of Justice on the status of actions taken or planned to correct management control weaknesses identified by USMS assessable-unit managers; conducts management control training; and conducts management control reviews of program activities.

The Administrative Services Division manages a total space inventory of 2.4 million square feet at 435 locations, a motor vehicle fleet of 2,100 vehicles, and an inventory of accountable property in excess of 45,775 items valued at \$90.7 million. The Division is working aggressively to correct deficiencies in detention facilities over the next five years in 62 District offices and 148 suboffices. Since 1983, a total of 39 cellblock construction projects have been completed with the funds provided by OMB and BOP. In 1993, 18 courthouses were provided with state-of-the-art detention facilities and security systems. These include new U.S. Courthouses in St. Croix, U.S. Virgin Islands; Flagstaff, Arizona; Miami, Florida; Minneapolis, Minnesota; Milwaukee, Wisconsin; West Palm Beach, Florida; Del Rio, Texas; Baton Rouge, Louisiana; and Shreveport, Louisiana. There are another 210 courthouse construction projects scheduled for completion between 1994 and 2000. During 1993, 162 project designs and/or revisions were completed.

In 1993, a total of 109 STU-III secure telephones were installed in various USMS offices, and 431 STU-III Type 2 telephones were installed in State and local law enforcement offices. In total 26 assorted base stations, repeaters and handheld radios were purchased with the \$124,900 received from hurricane funds and distributed throughout the Service. The Division also coordinated the design and purchase of systems furniture for 55 locations at a total cost of \$1,186,810 and issued 59 bills of lading in the amount of \$383,500 to relocate household goods, and disposed of 3,200 pieces of accountable property with an original acquisition value of \$6.9 million. A replacement soft body armor contract was awarded to American Body Armor in September 1993 for the purchase and issue of 1,058 vests to "front line" operational Deputies. A cost-per-copy contract was successfully negotiated with Pitney Bowes and Minolta to replace most of the copiers leased by the Service for an estimated savings of \$400,000 in 1994.

The Management and Planning Division was established in 1993 to bring higher level management capabilities to the Marshals Service. The Division plans, develops, and supports Service-wide management and productivity improvement policies, plans and procedures. As the catalyst and sponsor for change within the organization, MAPP directs the

Service's strategic planning process, leads its quality management initiative, coordinates performance improvement and measurement activities, and serves as the pivotal component for management's information resources.

To provide management with the information needed for strategic decisions, the Division has developed a prototype Decision Support System (DSS). This system will provide performance and productivity information to program managers and analysts. The DSS is an example of utilizing the power of technology to foster resource improvements and efficiencies. The DSS will eventually be expanded to support an Executive Information System (EIS) for senior managers. The MAPD staff's analysis of a cross-section of operational and resource-usage data in 1992 enabled the Division to produce a variety of reports, including the annual "Director's Report", District Performance Reports, and one-time reports of workload status and resource usage. The Management and Planning Division conducts the statistical analysis required for the allocation of FFP among all USMS field offices. The Division is developing a data dictionary for all United States Marshals Service information systems, and standards for the collection, use and distribution of performance measurements.

The Office of Policy and Communications (formerly titled Office of Congressional and Public Affairs) conducts the internal and external communication activities of the Marshals Service, including written and oral communications with members and staff of the Congress, members of the print and electronic media, the general public, and all Districts and Divisions of the Marshals Service. The Division expeditiously coordinates all Marshals Service Congressional inquiries; interacts with media representatives and responds promptly to media inquiries; coordinates the Marshals Service Director's public appearances; prepares the Director's testimony for Congressional hearings and speeches to law enforcement agencies and public audiences; and produces a variety of publications for internal and external audiences. In addition, it is responsible for: coordination of Marshals Service's participation in the National Sheriff's Association (NSA) and other public events; coordination of Marshals Service conferences and the annual Director's Awards Ceremony; and development of presentations, including visual aids, for use by the 94 U.S. Marshals.

The Office of General Counsel provides centralized legal representation and advice to the Presidentially appointed Director and U.S. Marshals, as well as other Marshals Service officials in Headquarters, in all judicial Districts, and in the Service's program offices nationwide. The Office also assists the Director in preparing official agency position papers and serves as the Director's legal liaison with other agencies within and outside of the Department of Justice. The Office provides advice, training, and coordination on ethics issues and satisfies the Service's obligations under the Freedom of Information and Privacy Act. The Office provides legislative assistance and representation on all legislative matters. The Office represents the Service in all administrative hearings and provides litigation support to U.S. Attorney's Offices and Department of Justice litigating Divisions in representing the Marshals Service in Federal litigation.

The Office of Inspections consists of the Internal Security Division, Investigations Division, Program Review Division and Policy Review Division. The Office also administers the USMS Special Deputation Program.

The Internal Security Division (ISD) is responsible for the accomplishment of initial background investigations (BI's) and five-year reinvestigations on all USMS employees and contract employees. (ISD's Background Investigations Branch conducts the majority of these investigations, the remainder are conducted by OPM.) ISD's Suitability Adjudications Branch reviews and adjudicates all completed BI's and determines suitability for initial or continued employment. The Division's Security Programs Branch issues and maintains accountability for USMS badges, credentials, and building access cards; performs building and area security functions; administers the security clearance program; and establishes and documents USMS security policy. ISD also monitors and promulgates policy on ADP security for the USMS.

The Investigations Division performs integrity-related internal investigations of alleged misconduct, illegal activity, or malfeasance by USMS employees or contractors. The Division employs 15 criminal investigators. Six are based at Headquarters, while nine operate from satellites throughout the country. The Investigations Division also liaisons with the DOJ Office of the Inspector General; Office of Professional Responsibility; and Federal Bureau of Investigation, assisting with investigations of USMS employees by these entities as directed.

The Program Review Division performs internal audits (program reviews) of USMS Districts, HQ elements, and USMS programs. The Division has an Eastern (HQ) Branch and Western (Denver, CO) Branch. The Division documents and analyzes program review findings and makes recommendations for correction of problems, elimination of weaknesses and vulnerabilities, and for prevention of future problems areas. The Division's Planning and Audit Liaison Branch monitors external audits of USMS components by the Department of Justice, the General Accounting Office, and other external entities, assisting in the conduct of such reviews as necessary and ensuring USMS response to recommendations made by external auditors are timely and appropriate. The Branch also analyzes systemic problems and trends within the Service, making recommendations for improvement.

Through the Special Deputation Program, the Office of Inspections authorizes and monitors the terms of over 4,000 USMS special deputations, continuously coordinating with the Department of Justice's Deputy Attorney General's Office for necessary approval and restrictions.

The Policy Review Division has responsibility for promulgation of Marshals Service Policy. The Division maintains and publishes the U.S. Marshals Manual as a Service-wide policy reference and also monitors A-123 and MPPIA compliance throughout the agency.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Pos.	MY Amount
Management and Administration.....	169	91 \$17,976	169	91 \$27,046	...	... \$9,070

Vehicles - Due to funding reductions in 1994, USMS no longer has a base of funding for the purchase of vehicles. Vehicles can be acquired only through forfeiture and excess, or if funds become available due to reduced requirements in other areas. USMS requests a program increase of \$5,382,000 to provide sufficient base funds to USMS to purchase vehicles on a five-year cycle. USM expects to own 1,366 vehicles at the end of 1995. At an average cost of \$17,500 per vehicle, the requested funds would purchase 307 vehicles. While the \$17,500 per vehicle figure is somewhat higher than the expected for a standard police-use sedan, many of USMS's vehicles are buses, vans, or other special-purpose vehicles, which cost considerably more to replace.

Employee Issues

Permanent Change of Station (PCS) - USMS is requesting \$3,200,000 to allow additional PCS moves to be made each year. USMS's 1996 base for PCS is \$2,000,000, which would allow only 30 moves per year at an average cost per move of \$17,000. The additional funding would allow USMS to make 78 moves in 1996. This level of moves is consistent with the levels accomplished by USMS before cuts were made to PCS funding in 1994. The 87 personnel to be moved would represent 1.9 percent of USMS's requested permanent positions in 1996.

Human Resources - An increase of \$430,000 is requested to enhance the operations of USMS's Office of Equal Employment Opportunity (OEEO) and Employee Relations Division (ERD). Funds provided to OEEO would be used to investigate, adjudicate, and settle discrimination complaints; and to promote USMS's employment opportunities for minorities by participating in conferences and job fairs. Like most other Federal law enforcement agencies, USMS's minority representation in law enforcement is low. The additional funding would allow USMS to improve its minority representation.

Funds provided to ERD would allow its staff to serve as a critical incident response team, by travelling to districts where employees need assistance with extreme personal problems, such as substance abuse, severe depression, post-traumatic stress, or the death of personnel during operations. USMS has had several incidents of this type during the last few years, including the shooting deaths of two Deputy Marshals and two Court Security Officers.

Training - Funding is requested to train 25 students at a cost of \$50,000 for Critical Incident Response Training (CIRT). Critical incidents experienced by operational personnel continue to demand Employee Assistance Program (EAP) response to these events. Interventions have grown in number in proportion to the ever increasing enforcement

activities of the deputies. Lack of support for this training will result in decreased effectiveness of requesting employees, increased chance of liability through non-compliance to law or regulation, and damage to the overall organizational morale that stems from the services provided by an effective EAP.

United States Marshals Service
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Prof. of Ind. Process		NPTS		Training		Mgmt. and Admin.		Total	
	Program Increase Pos.	Amount	Program Increase Pos.	Amount	Program Increase Pos.	Amount	Program Increase Pos.	Amount	Pos.	Amount
GS-14	...	...	...	...	...	...	...	...	...	...
GS-13	11	485	...	...	...	...	...	...	11	485
GS-12	85	3,125	...	...	...	...	...	...	85	3,125
GS-11	22	660	...	...	...	...	...	...	22	660
GS-9	...	...	...	...	...	...	...	...	...	...
GS-8	...	...	...	...	...	...	...	...	...	...
GS-7	8	196	...	...	...	...	...	...	8	196
GS-6	...	...	...	...	...	...	...	...	...	...
GS-5	...	...	...	...	...	...	...	...	...	...
Total positions & annual rate.....	126	4,466	...	...	...	...	...	...	126	4,466
Lapse (-).....	(47)	(1,666)	...	...	...	...	...	...	(47)	(1,666)
Other personnel compensation.....	35	1,509	...	...	...	...	...	...	35	1,509
Special personal service payments.....	...	217	...	...	...	...	...	...	...	217
Total workyears and personnel compensation	114	4,526	...	...	...	...	...	...	114	4,526
Personnel benefits.....	...	1,357	...	...	...	2,080	...	3,437	...	3,437
Travel.....	...	684	...	520	...	525	...	1,729	...	1,729
Transportation of things	...	1,015	...	...	...	160	...	1,175	...	1,175
GSA rent.....	...	...	...	...	...	...	...	...	...	...
Comm., Util. and miscellaneous charges.....	...	550	...	...	...	...	...	550	...	550
Printing.....	...	16	...	...	...	...	...	16	...	16
Other services.....	...	3,004	...	150	...	897	...	4,480	...	4,480
Supplies & materials.....	...	114	...	...	...	15	...	350	...	350
Equipment.....	...	6,128	...	130	...	5,193	...	11,651	...	11,651
Total workyears & obligations changes requested, 1996.....	114	17,394	0	150	0	1,300	0	9,070	114	27,914

United States Marshals Service
Salaries and Expenses
Priority Ranking
Fiscal Year 1996

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Protection of the Judicial Process	1	Positions to Staff Courthouses	1
National Prisoner Transportation	2	Vehicles/Equipment to support to	2
Fugitive Apprehension	3	Operational Personnel	3
Seized Asset Management	4	Operational Training	4
Service of Legal Process	5	Offender Tracking System	
Training	6		
ADP and Telecommunications	7		
D. C. Superior Court	8		
Management and Administration	9		

United States Marshals Service
Salaries and Expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		Reim- bursable	Streamlining FTE Reduction	Program Increases	1996	
	Authorized	Reim- bursable	Authorized	Reim- bursable				Auth.	Total Reimb.
Attorneys (905)	23		23					23	
Other Legal & Kindred (900-988)	62		62					62	
Criminal Investigative (1811)	2,153		2,247					2,247	
U.S. Marshals (982)	306	36	339	37			96	435	37
Other Misc. Occupations (001-099)	30		32					32	
Social Sciences, Economics and Kindred (100-199)	5		5					5	
Personnel Management (200-299)	63		63					63	
General Admin., Clerical and Office Services (300-399)	704	26	749	26		(141)	30	638	26
Accounting and Budget (500-599)	123		123					123	
Health and Sciences (600-699)	1		1					1	
Engineering and Architecture Group (800-899)	3		3					3	
Information & Arts Group (1000-1099)	9		9					9	
Business & Industry Group (1100-1199)	74		94			(40)		54	
Information Specialists (1400-1499)	1		1					1	
Equipment, Facilities and Services Group (1600-1699)	7		7					7	
Education Group (1700-1799)	3		3					3	
Non-Criminal Investigations (1800-1899)	39		54					54	
Supply Group (2000-2099)	6		6					6	
Transportation Group (2100-2199)	33		33					33	
Warehouseman	0		0						
Total	3,645	62	3,654	63		(181)	126	3,799	63
Washington*	562	13	505	13		(40)		465	13
U.S. Field	3,082	49	3,348	50		(141)	126	3,333	50
Foreign Field	1		1					1	
Total	3,645	62	3,654	63		(181)	126	3,799	63

*Category for personnel in Washington, D.C. represents only people performing Headquarters functions.

**United States Marshals Service
Salaries and Expenses
Schedule of Motor Vehicles**

Method of Acquisition and Type of Vehicle	1993			1994			1995			1996		
	End-of Year Inventory	Acquired	Disposed	End-of Year	Acquired	Disposed	End-of Year	Acquired	Average Costs	Disposed	End-of Year	
Purchased:												
Large sedan	570	147	30	687	187	59	815	308	...	179	944	
Midsize sedan*	58	1	0	59	22	...	81	22	...	22	81	
Station wagon 4WD	54	46	3	97	104	...	201	70	...	...	271
Van	56	37	0	93	38	14	117	...	...	...	117
Bus	12	1	1	12	...	...	...	8	...	8	...
Subtotal Purchased	750	232	34	948	351	74	1,225	408	N/A	209	1,424	
Leased:												
Large sedan	525	153	343	335	1	1	335	...	...	62	273
Midsize sedan	115	119	31	203	...	...	203	...	...	67	116
Compact sedan	24	10	5	29	...	...	29	...	...	...	39
Subcompact sedan	44	...	12	12	...	...	32	...	...	...	32
Station wagon**	1	...	1	0	...	...	0	...	...	...	6
Van	240	61	72	229	...	6	223	...	...	...	223
Bus	12	...	12	12	...	...	12	...	...	...	12
Special Purpose: 4 wheel drive	170	55	98	115	...	31	104	...	...	70	34
Pickup	4	...	2	2	...	...	2	...	...	...	2
Subtotal Leased	1,143	398	564	977	1	38	940	0	N/A	199	741	
Seized & Excess:												
Limousine	2	...	1	1	...	...	...	...	...	...	...
Large sedan	19	7	...	26	...	...	71	...	...	...	...
Midsize sedan	41	30	...	85	...	...	...	...	...	...	...
Compact sedan*	77	8	1	6	...	...	...	...	...	...	...
Station wagon	6	1	1	6	...	...	...	...	...	...	...
Van	37	5	5	39	...	...	...	...	...	...	...
Amulance	2	4	...	6	...	...	...	...	...	...	...
Bus	...	1	...	1	...	...	...	...	...	...	...
Special Purpose: 4 wheel drive	99	12	7	104	...	...	...	...	...	...	...
Other	11	9	...	20	...	...	...	...	...	...	...
Trucks:												
Pickup	62	5	1	66	...	...	...	...	...	...	...
Other	2	1	...	2	...	...	...	...	...	...	...
Subtotal Seized and Excess	358	85	16	427	101	175	353	101	N/A	175	279	
Total Vehicles	2,251	715	614	2,352	453	287	2,518	509	N/A	583	2,444	

* Includes sedans equal to or less than specified category.
** Change resulted from more accurate description of vehicle type.
Subtotal seized and excess vehicles for 1995 and 1996 are estimates.

* Includes sedans equal to or less than specified category.
** Change resulted from more accurate description of vehicle type.
Subtotal seized and excess vehicles for 1995 and 1996 are estimates.

United States Marshals Service
Salaries and Expenses
Schedule of Aircraft
(Dollars in thousands)

Type of Aircraft (Passenger Capacity)	1993 End-of- Year Inventory	1994			1995			1996		
		Acquired	Disposed	End-of- Year	Acquired	Disposed	End-of- Year	Acquired	Average Cost	End-of- Year
Purchased:										
Jet Engine (120)	1	...	...	1	...	...	1	...	...	1
Jet Engine (10)	...	...	...	...	...	...	...	...	...	...
Turbo Prop (10)	...	...	...	...	...	...	...	...	...	...
Subtotal purchased	1	...	...	1	...	...	1	...	...	1
Leased:										
Jet Engine (120)	...	...	...	...	...	...	...	...	...	...
Subtotal leased	...	...	...	...	...	...	...	...	...	...
Seized, no cost for- feited, or surplus										
Fixed wing:										
Single engine (3)	4	...	...	4	...	...	4	...	...	4
Twin-Engine (6)	2	...	...	2	...	1 ***	1	...	...	1
Jet Engine (120)	1	...	...	1	...	1 ****	1	...	...	1
Jet Engine (6)	1	...	...	1	...	1 ****	0	...	...	0
Jet Engine (8)	1	1 *	1 *	1	...	...	1	...	...	1
Jet Engine (10)	4	1 *	1 *	4	...	...	4	...	...	4
Jet Engine (0)	2	...	2 **	0	...	...	0	...	...	...
Subtotal seized	15	2	4	13	...	2	11	...	...	11
Total Aircraft	16	2	4	14	...	2	12	...	...	12

*Sabreliner jet N12659 reconfigured from 8 PAX to 10 PAX.

** Sabreliner jets consisting of the original aircraft hull only.

***Cessna 310 N37250 transferred to U.S. Forest Service

****Cessna Citation will be transferred to INS.

United States Marshals Service
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm Pos	Work- Years	Amount
1995 appropriation as enacted	3,854	3,775	388,782
Transferred from other accounts (HDTA)			816
FTE Reduction Associated with Pay Raise Absorption			
1995 Availability		(83)	387,566
Streaming reductions		3,662	(3,706)
Mandatory increases	3,854	(161)	
One more compensable day			916
1996 pay raise			4,160
1995 pay annualization		93	5,127
Within-grade increases			3,276
Annualization of 1995 Program Changes		77	5,975
Annualized Law Enforcement Availability Pay			4,177
Health benefit costs			440
Buyout payment to OPM			303
Foreign area allowance			1
Accident Compensation			175
Unemployment compensation			133
General Services Administration (GSA) rent			2,171
Postal rates increase			181
General pricing level adjustments			1,726
FMS charges			331
Total, mandatory increases	0	170	29,092
Decreases			
Nonrecurring transfers from other accounts			(8,230)
Nonrecurring HDTA transfer			(616)
Transfer holding cell base to BOP B&F			(2,300)
FERS savings reduction			(2,043)
FTS 2000 saving			(557)
Procurement reduction			(63)
Total decreases			(14,009)
1996 Base	3,673	3,671	408,973

United States Marshals Service
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

Positions	Workyears	Amount
-181	-181	-3,708

Streamlining:

The United States Marshals Service (USMS) will reduce its FTE level by 300 from its 1995 ceiling in order to meet its 1999 streamlining target. This reduction is offset by increases of 167 FTE necessary to staff new courthouses opening in 1996. USMS will accomplish this reduction by the elimination of all intermittent Deputies and temporary personnel. Headquarters staff will be reduced by 25 percent between 1995 and 1999 and targeted occupations will be reduced by 42 percent. Authority for several functions, including procurement, background investigations, recruiting, and high profile operations, will be delegated to district offices. Operations will be decentralized by placing Court Security Inspectors under the direction of district offices, rather than headquarters, and by eliminating Seized Asset Division regional offices. Employees will be empowered by reducing agency regulations. This effort is already under way and has resulted in the elimination of over 700 pages from the USMS Manual.

Mandatory Increases:

1. One additional compensable day..... 916
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$642,000) for pay and \$274,000 for benefits).
2. 1996 Pay raise..... 4,160
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$4,159,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$2,913,000 pay and \$1,247,000 = \$4,160,000).

	Positions	Workyears	Amount
3. Annualization and increase of 1995 pay raise..... This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$1,589,000 for pay and \$1,538,000 for benefits).	...	93	\$ 5,127
4. Within-grade increases..... This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$2,294,000 for pay and \$982,000 for benefits).	...	77	\$5,975
5. Annualization of 267 additional positions approved in 1995. This provides for the annualization of 267 additional positions approved in the 1994 President's budget for Protection of the Judicial Process, Seized Assets Management, and D. C. Superior Court.	...	77	\$5,975
	Approved 1995 Increases	Annualization Required	
Annual salary rate of 267 approved positions	9,555	...	
Less Lapse (50%)	-4,778	4,778	
Net compensation	4,777	4,778	
Associated employee benefits	-2,818	1,192	
Total costs subject to annualization	7,595	5,975	
6. Availability pay..... This provides sufficient funding in the Marshals Service's base to compensate this law enforcement officers for LEAP.			4,177

	Positions	Workyears	Amount
Annual salary rate provided for a 25% increase in Law Enforcement Available workhours			
Associated employee benefits			
Total costs subject to annualization			
	Approved 1995 Increases	Annualization Required	
	9,534	3,189	
	8,456	988	
	18,000	4,177	
7. Health benefits.....			\$ 440
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$440,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			
8. \$80 supplemental retirement contributions.....			303
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$303,000 provides for this contribution.			
9. Foreign allowances.....			1
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$1,000 provides for this contribution.			
10. Accident compensation.....			175
This increase reflects the billing provided by the department of Labor for the actual costs in 1994 of employees' accident compensation. The 1996 amount will be \$175,000.			
11. Unemployment compensation.....			133
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$133,000 is required to meet our commitment to DOL.			

	Positions	Workyears	Amount
12. General Services Administration (GSA) rent.....			\$ 2,171
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$2,171,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.			
13. Postal rate increase.....			181
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$181,000 is required for 1996.			
14. General pricing level adjustments.....			1,726
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
15. FMIS charges.....			331
\$331,000 is provided for uncontrollable cost charged USMS by the FMIS Data Center.			
Total mandatory increases.....	...	170	29,092
Decreases:			
1. Nonrecurring transfers from other accounts.....			-8,230
DUSM Positions for Courthouses..... - 6,137			
Support positions for courthouses..... - 301			
Courthouse non-personnel costs..... - 1,779			
D.C. Superior Court Juvenile Callblock..... - 13			

	Positions	Workyears	Amount
2. HIDTA.....			-816
3. Transfer holding cell base to BOP B&F.....			-2,300
4. Federal Employees Retirement Systems (FERS)..... Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agency rate fell from 27.3 percent and the non-law enforcement agency rate fell from 12.9 to 11.4. The estimated decrease is \$2,042,000.			-2,043
5. FTS 2000..... This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$557,000.			-557
6. Procurement Savings..... This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$63,000.			-63
Total mandatory decreases.....	-111	-111	-14,009
Total, adjustment to base.....	-181	-11	11,375

United States Marshals Service
Salaries and Expenses
Summary of Requirements by Grade and Object Class
 (Dollars in Thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
Grade and salary ranges								
Executive Level IV	1	1	1	1	1	1		
ES-6, \$115,700	1	1	1	1	1	1		
ES-5, \$111,800	0	1	1	1	1	1		
ES-4, \$107,300	1	1	1	1	1	1		
ES-3, \$101,800	2	2	3	3	3	3		
900	2	0	0	0	0	0		
900	1	1	1	1	0	0	(1)	
\$108,200	16	16	16	16	16	16		
900 427-90,252	174	160	160	157	157	157	(12)	
900 427-90,252	173	160	160	149	149	149	(17)	
USGM 13, \$49,947-64,928	544	537	537	487	487	487	(50)	
GS-12, \$42,403-54,901	1,073	1,125	1,125	1,061	1,061	1,061	140	
GS-11, \$35,045-45,561	773	828	828	874	874	874	(20)	
GS-10, \$31,868-41,466	3	3	3	3	3	3		
GS-9, \$26,864-37,651	369	418	418	398	398	398	(20)	
GS-8, \$23,223-34,094	79	78	78	78	78	78		
GS-7, \$23,078-30,779	303	372	372	314	314	314	(58)	
GS-6, \$21,208-27,696	86	84	84	84	84	84		
GS-5, \$19,118-24,847	58	44	44	45	45	45	1	
GS-4, \$17,068-22,208	4	4	4	4	4	4		
GS-3, \$15,221-19,786	2	2	2	2	2	2		
Ungraded positions	0	0	0	0	0	0		
1996 Pay increase								
Total, appropriated positions	3,645	157,477	3,354	163,690	3,799	192,758	(55)	5,547
Pay above stated annual rates		574						8,868
Leaves	(140)	(6,989)	(234)	(10,907)	(119)	(5,156)	120	916
Savings due to lower pay scales for part of year		(1,580)		(1,580)		(1,587)		5,724
Net full-time permanent	3,505	148,372	3,615	170,994	3,660	187,104	65	662
Other than permanent:								
Part-time permanent	126	6,379	26	916	37	1,600	9	683
Temporary employment	19	1,007	21	817	33	1,436	12	619
Other part-time and intermittent employment	45	2,326	18	743			(16)	(743)
Other personnel compensation:								
Overtime	337	17,486	542	26,821	677	28,330	35	1,500
Other	11	646	11	664	11	722		28
Other compensation		4,726		9,959		5,097		(1,901)
Total, workyears and personnel compensation	4,043	181,943	4,295	207,953	4,338	224,268	103	16,315
Average ES Salary		\$105,209		\$102,731		\$114,404		
Average GS/SM Salary		\$43,596		\$44,243		\$44,556		
Average GS/SM Grade		11.56		11.44		11.44		
Average Ungraded Salary								

United States Marshall Service
Salaries and Expenses
Summary of Requirements by Object and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
Object Class								
11.1 Full-time permanent.....	3,505	149,372	3,615	170,994	3,640	187,104	65	16,110
11.3 Other than full-time permanent.....	190	9,711	67	2,476	70	3,045	3	569
11.5 Other personnel compensation.....	348	18,134	553	27,515	588	29,092	35	1,537
11.8 Special personnel service payments.....		4,726		6,946		5,067		(1,901)
Total, workyears and personnel compensation.....	4,043	181,943	4,235	207,953	4,338	224,248	103	16,315
Reimbursable workyears:								
Full-time permanent.....	62		63		63			
Other than permanent.....								
12 Personnel benefits.....		50,485		64,692		71,227		6,535
13 Benefits for former personnel.....		127		127		203		76
21 Travel and transportation of personnel.....		19,881		22,500		22,401		(99)
22 Transportation of things.....		428		828		1,384		556
23.1 GSA rental.....		38,144		50,829		53,419		2,590
23.2 Rental payments to others.....		2,455		2,455		2,166		(289)
23.3 Communications, utilities and misc. charges.....		13,777		13,446		18,529		4,883
24 Printing and reproduction.....		345		381		725		344
25.2 Other services.....		12,260		23,651		17,338		(6,313)
25.3 Purchases from Government Accounts.....		1,676		1,500		1,593		93
26 Supplies and materials.....		8,559		7,740		9,284		1,544
31 Equipment.....		15,078		4,151		14,350		10,199
42 Insurance claims and indemnities.....		303		53		0		(53)
43 Interest on back pay.....		3		0		0		
Total obligations.....	4,105	345,464	4,298	400,506	4,401	436,887	103	36,381
Unobligated balance start of year.....		(2,857)		(3,724)				
Unobligated balance end of year.....		3,724						
Unobligated balance expiring.....		1,965						
Total requirements.....		340,296		396,782		436,887		36,381
Reconciliation of obligations to outlays:								
Total obligations.....		345,464		400,506		436,887		36,381
Obligated balance, start-of-year.....		65,578		66,986		48,794		(17,792)
Obligated balance, end-of-year.....		(66,986)		(48,794)		(45,962)		(17,792)
Adjustment in expired accounts.....		236						
Outlays.....		344,294		418,698		439,719		21,425

Department of Justice
United States Marshall Service
Violent Crime Reduction Programs

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United States Marshals Service
Violent Crime Reduction Programs
Summary Statement
Fiscal Year 1996

For 1996, the United States Marshals Service requests a total of 41 permanent positions, 40 workyears and \$16,500,000. This request represents an increase of the full 41 positions (all Deputy Marshals), 40 workyears and \$16,500,000 over the 1995 Appropriation enacted and the 1996 base.

This funding, coupled with the request of \$12,775,000, 126 positions, and 79 FTE within the Salaries and Expenses Appropriation, will provide the personnel and equipment necessary to ensure that new and renovated Federal courthouses can open on schedule. The Marshals Service's primary mission is to protect the Federal Judiciary and court proceedings, which is dependent upon the timely coordination and implementation of the established safety and security requirements for the construction of detention, prisoner movement and related high security areas. Lack of funding for these mandatory requirements would result in the significant compromise of security.

United States Marshals Service
Violent Crime Reduction Programs
Justification of Proposed Changes in Appropriation Language

For activities authorized by section 190001 (b) of Public Law 103-322, \$16,500,000, to remain available until expended,
which shall be derived from the Violent Crime Reduction Trust Fund.

Explanation of Changes

1. This language appropriates funding to the USMS from the Violent Crime Reduction Program.

United States Marshals Service
Violent Crime Reduction Programs
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	WY	Amount
1995 as enacted.....	0
1995 appropriation anticipated.....	0
1995 Base.....	0

1995 Appropriation
Anticipated

	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Increase/Decrease
Estimates by budget activity										
1. Protection of the Judicial Process.....
2. National Prisoner Transportation.....
3. Fugitive Apprehension.....
4. Seized Assets Management.....
5. D.C. Superior Court.....
6. Service of Legal Process.....
7. Training.....
8. ADP/Telecommunications.....
9. Management & Administration.....
Total.....	0	0	0	0	0	0	41	40	16,500	0

Other workyears:

Overtime.....	0	0	10
Total compensable:	0	0	80
Workyears.....			

United States Marshals Service
Salaries and Expenses
Violent Crime Reduction Programs
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Violent Crime Reduction Trust Fund	41	\$16,500	41	40 \$16,500

LONG-RANGE GOAL: To ensure the integrity of the Federal judicial system by providing security at newly opened courthouses where judicial business is conducted, and to eliminate fear of intimidation, retribution, or physical harm on behalf of all judicial participants. To ensure expeditious and secure custody and transportation of Federal prisoners.

MAJOR OBJECTIVES:

To ensure prisoner and courtroom security at all Federal judicial proceedings.

To provide security at approximately 10 (21 others are funded by the Salaries and Expenses Appropriation) newly opened courthouses.

To provide personnel and security systems to protect all high-threat trials, other criminal proceedings, and certain civil proceedings, where warranted.

To receive and produce all prisoners in accordance with court calendars.

The Violent Crime Reduction Trust Fund is the result of a cooperative approach taken by the Administration and the Congress to address the country's significant violent crime problem. All levels of government will participate in a concerted effort to reduce violent crime throughout the country.

The Marshals Service will see the results of these initiatives as additional prisoners face Federal charges as a result of the provisions of the Comprehensive Crime Control Act of 1994 and as others are arrested as a result of Task Forces targeting violent criminal activities.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and workload estimates of the Protection of the Judicial Process program are presented in the following tables:

Item	Estimate			
	1993	1994	1995	1996
1. JUDICIAL SECURITY				
a. Criminal trial bench hours	13,350*

* The Service's best estimate of the portion of workload data associate with VCRTF funding.

PROGRAM CHANGES:

	1996 Base				1996 Estimate				Increase/Decrease	
	Perm. Pos.	NY	Amount		Perm. Pos.	NY	Amount		Perm. Pos.	NY Amount
Violent Crime Reduction Trust Fund	41	40	\$16,500	41	40	\$16,500
Opening of New and Renovated Courthouses										

An increase of \$16,500,000, 41 positions, and 40 FTE is requested to provide the personnel and equipment necessary to ensure that new and renovated Federal courthouses can open on schedule with adequate security. For 1996, USMS requests \$11,066,000 for construction services, communications, and equipment at 149 courthouses that either: 1) will open in 1996; 2) will have opened by 1996, but will require continuing construction in 1996; or 3) will open after 1996, but require funding in 1996 in order to meet a construction schedule. USMS also requests 41 positions (Deputy Marshals), 40 FTE and \$5,434,000 in order to provide adequate staff at 10 courthouses (21 others are funded by the Salaries and Expenses Appropriation) where construction or renovation will change operational requirements.

Funds are requested to purchase and install electronic security equipment, phone systems, radios, and other office equipment. In addition, USMS must pay line charges for its phone systems. Estimates of these costs are based on an evaluation of the specific requirements of the new space. USMS also requests funds for furniture for its office space at the courthouses. These estimates are based on standardized furniture costs that take into account whether modular or

traditional furniture will be used. The request for these non-personnel expenses includes the following items and amounts of funding:

Item	\$ (000s)
Security Systems	5,366
Phone Systems	996
Line Charges	19
Radios/Office Equipment	1,902
Furniture	2,783
Total	11,066

United States Marshals Service
Violent Crime Reduction Programs
Financial Analysis - Program Changes
(Dollars in thousands)

Protection of Judicial Process		
Item	Program Increase Pos.	Amount
GS-14	..	..
GS-13	16	710
GS-12	16	591
GS-11	5	153
GS-9	..	..
GS-8	..	..
GS-7	4	104
GS-6	..	..
GS-5	..	..
Total positions & annual rate	41	1,558
Lapse (-)	(1)	(45)
Other personnel compensation	10	342
Special personal service payments	..	217
Total workyear and personnel compensation	50	2,072
Personnel benefits	..	794
Travel	..	573
Transportation of things	..	129
GSA rent	..	..
Comm., Util. and miscellaneous charges	..	181
Printing	..	16
Other services	..	5,972
Supplies & materials	..	114
Equipment	..	6,649
Total workyear & obligations changes requested, 1996	50	16,500

United States Marshals Service
Violent Crime Reduction Program
Detail of Permanent Positions by Category
Fiscal Years 1994 -- 1996

Category	1994		1995			1996		
	Authorized	Authorized	FTE Reduction	Program Increases	Total	Streamlining FTE Reduction	Program Increases	Total
Attorneys (905)
Other Legal & Kindred (900 - 988)
Criminal Investigative (1811)
U.S. Marshals (982)	41	41
Other Misc. Occupations (001 - 099)
Social Sciences, Economics and Kindred (100 - 199)
Personnel Management (200 - 299)
General Admin., Clerical and Office Services (300 - 399)
Accounting and Budget (500 - 599)
Health and Sciences (600 - 699)
Engineering and Architecture Group (800 - 899)
Information & Arts Group (1000 - 1099)
Business & Industry Group (1100 - 1199)
Information Specialties (1400 - 1499)
Equipment, Facilities and Services Group (1600 - 1699)
Education Group (1700 - 1799)
Non - Criminal Investigations (1800 - 1899)
Supply Group (2000 - 2099)
Transportation Group (2100 - 2199)
Warehouseman
Total	0	0	0	0	0	0	41	41
Washington
U.S. Field	41	41
Foreign Field
Total	0	0	0	0	0	0	41	41

United States Marshall Islands
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in Thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
Grade and salary ranges								
GS-12 \$42,403 - 54,601								
GS-11 \$35,045 - 45,561								
GS-10 \$31,898 - 41,466								
GS-9 \$28,964 - 37,651								
GS-8 \$26,223 - 34,094								
GS-7 \$23,676 - 30,779								
1996 Pay increase						15		15
Locality Pay								
Total, appropriated positions	0	0	0	0	41	1,558	41	1,558
Pay above stated annual rates								
Lapses								
Savings due to lower pay scales for part of year					(1)	(45)	(1)	(45)
Net full-time permanent	0	0	0	0	40	1,513	40	1,513
Other than permanent								
Part-time permanent								
Temporary employment								
Other part-time and intermittent employment								
Other personnel compensation								
Overtime					10	342	10	342
Other								
Other compensation						217		217
Total workyears and personnel compensation	0	0	0	0	50	2,072	50	2,072
Average ES Salary								
Average GS/GM Salary						\$38,000		
Average GS/GM Grade						10.76		
Average Ungraded Salary								

United States Maritime Service
Vessel Crews Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	40	1,513	40	1,513
11.3 Other than full-time permanent.....
11.5 Other personnel compensation.....	10	342	10	342
11.8 Special personnel service payments.....	217	...	217
Total, workyears and personnel compensation.....	0	0	0	0	50	2,072	50	2,072
12 Personnel benefits.....	794	...	794
21 Travel and transportation of persons.....	573	...	573
22 Transportation of things.....	129	...	129
23.3 Communications, utilities and misc. charges.....	181	...	181
24 Printing and reproduction.....	16	...	16
25.2 Other services.....	5,972	...	5,972
25.3 Purchases from Government Accounts.....
26 Supplies and materials.....	114	...	114
31 Equipment.....	6,649	...	6,649
Total requirements.....	0	0	0	0	50	16,500	50	16,500
Relation of obligations to outlays.....
Obligated balance, start-of-year.....	(1,650)	...	(1,650)
Obligated balance, end-of-year.....
Adjustments in expired accounts.....
Outlays.....	0	0	0	0	...	14,850	...	14,850

Department of Justice
United States Marshals Service
Support of United States Prisoners
Estimate for Fiscal Year 1996

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United States Marshals Service
Support of United States Prisoners

Summary Statement

Fiscal Year 1996

For 1996, a total of \$295,331,000 is requested for the Support of United States Prisoners (SUSP) Appropriation for Care of U.S. Prisoners to pay for the support, housing and safekeeping of Federal prisoners in United States Marshals Service (USMS) custody. This request, combined with previous year carryover amounts, will provide the resources to fund 4,937,097 Intergovernmental Agreement (IGA) and contract jail days.

The U.S. Marshals Service is responsible for administering the Support of U.S. Prisoners program for the Federal Government. This account is charged with housing the 17th largest correctional population in the United States. Accordingly, the SUSP account is responsible for obtaining adequate housing, subsistence, medical care, and hospital and detention facility guard service for Federal prisoners in the custody of the USMS. This detention bedspace is acquired at the least expensive cost to the Federal Government, through current Intergovernmental Agreements (IGAs); as the result of previously negotiated Cooperative Agreements with State and local governments; at Federal detention facilities; or in private jail facilities. Acquiring this detention bedspace has posed an increasing challenge to the USMS, since the lack of available detention space, nationwide, has been deemed a high-risk area of managerial concern.

This budget request for the Support of U.S. Prisoners, which takes into account Federal jail bedspace available by 1996, is the result of multi-component planning within the Department of Justice. Since 1984, the USMS has experienced an unprecedented growth in both population and jail day levels. While the USMS average prisoner population has increased by 259 percent over the last several years, from 5,383 in 1984 to approximately 19,300 in 1994, the average number of jail days has increased by 241 percent, from 5,561 in 1984 to 10,954 in 1994.

Legal Activities

Support of United States Prisoners

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Support of United States Prisoners

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; (\$298,216,000)A. _____ \$298,331,000
as authorized by 28 U.S.C. 561(i), to remain available until expended.

(18 U.S.C. 4001-4003, 4006-4009, 4013, 4042, 4082, 4085-4086, 4125, 4282-4283, 4285, 50401-28 U.S.C. 561; Department of Justice and Related Agencies Appropriations Act, 1995.)

No substantive changes proposed.

**United States Marshall Service
Support of United States Prisoners
Crosswalk of 1995 Changes
(Dollars in thousands)**

	1995 President's Budget Request	Congressional Appropriation Actions on 1995 Request	Reprogramming	1995 Appropriation Enacted
Care of U.S. Prisoners..	\$368,453	(\$71,700)	...	\$296,753

696

1995 Congressional Actions. This reduction provided funds for the U.S. Marshall Service's Salaries and Expenses Appropriation for security operations to include new and renovated courthouses as well as high threat trials and for the Bureau of Prison's Buildings and Facilities Appropriation for Cooperative Program projects. This funding resulted from a carryover in the Support Of U.S. Prisoners Appropriation' due to a declined prisoner population.

Adjustments to Basis

	1984
<u>Estimates by budget activity</u>	<u>Appropriation</u> <u>Enacted</u>
Care of U.S. Prisoners	\$302,717

<u>Estimates by budget activity</u>	<u>1994</u> <u>Appropriation</u> <u>Enacted</u>	<u>1994</u> <u>Actual</u>	<u>1995</u> <u>Availability</u>	<u>1996 Base</u>	<u>Increase/ 1996 Estimate</u>	<u>Decrease</u>
Care of U.S. Prisoners	\$302,717	\$258,436	\$296,793	\$295,331	\$295,331	...

United States Marshals Service
Support of United States Prisoners
Justification of Program and Performance
Care of U.S. Prisoners 28F01
(Dollars in thousands)

	1995 Availability	1996 Base	1996 Estimate	Increase/Decrease
Care of U.S. Prisoners	\$296,753	\$295,331	\$295,331	...

LONG-RANGE GOAL: To care for Federal prisoners in the custody of the United States Marshals Service at a level which meets nationally accepted standards for detention or holding facilities.

MAJOR OBJECTIVES:

To provide adequate housing and subsistence for all Federal prisoners remanded to the custody of the U.S. Marshals Service.

To obtain adequate detention space for prisoners in Marshals Service custody.

To enter into long-term detention space agreements with State and local governments.

To acquire detention space as close as possible to the Federal courthouse in order to minimize travel time, staff resources, and risk to Deputy U.S. Marshals, prisoners, and the general public.

BASE PROGRAM DESCRIPTION: The Care of United States Prisoners Program is responsible for providing adequate housing, subsistence, medical care, and hospital and detention facility guard service for Federal prisoners in the custody of the United States Marshals Service. Detention of unsentenced Federal prisoners is accomplished through coordination with Federal detention facilities, Intergovernmental Agreements with State and local detention facilities, and a private jail facility located at Leavenworth, Kansas.

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993	1994	Estimates	
			1995	1996
1. Total Jail Days	6,830,791	6,918,055	7,253,090	7,569,672
a. ICA and Contract Jail Days	4,643,879	4,403,082	4,623,236	4,937,097
b. Federal Jail Days	2,186,912	2,514,973	2,629,854	2,632,575
2. Average Jail Day Rate	\$53.43	\$54.08	\$58.41	\$63.08

PROGRAM CHANGES:

	1996 Base	1996 Estimate	Increase/Decrease
Care of U.S. Prisoners	\$295,331	\$295,331	...

The USMS is responsible for administering the SUSP program for the Federal Government. With approximately 19,300 detainees in USMS custody on a given day, the USMS is charged with housing the 17th largest correctional population in the United States and depends on approximately 1,000 State and local governments to house its prisoners. Detention bedspace for Federal detainees is acquired through ICAs and cooperative agreements with State and local governments, at Federal detention facilities, or in private jail facilities. Acquiring this detention bedspace has posed a challenge to the USMS, and the lack of available detention space, nationwide, has been deemed a high-risk area of managerial concern.

The USMS is at the receiving end of the Federal prosecutorial process, and therefore has no control over prisoner intake levels and the resulting jail day workload that must be funded from the SUSP account. Prisoner intake levels are determined by Federal arrest and prosecution authorities, and judicial rulings regarding detention and release periods. As such, the USMS has no available option to housing all prisoners remanded to its custody and must ensure that adequate resources are available to fund all necessary jail days.

The SUSP account is subject to external forces beyond USMS' control. Unforeseen changes in prosecutorial initiatives have a significant impact on the SUSP account. The erratic growth (over the previous years) in the Federal detainee

population, and resultant number of IGA and contract jail days needed to house these detainees, as evidenced below, poses a formidable challenge when projecting future resource needs:

Fiscal Year	Average Prisoner Pop. *		IGA and Contract Jail Days		Fiscal Year	Average Prisoner Pop. *		IGA and Contract Jail Days	
	Average	Not available	IGA	Contract		Average	Not available	IGA	Contract
1984					1990	14 \$			20 \$
1985	19 \$		13 \$	7 \$	1991	21 \$			16 \$
1986	14 \$		13 \$		1992	20 \$			28 \$
1987	-1 \$		5 \$		1993	1 \$			5 \$
1988	22 \$		30 \$		1994	- 2 \$			- 5 \$
1989	33 \$		27 \$						

* An annual average of prisoners in custody at the end of each month

This account is affected by several factors: arrest rates, number of prisoners, increase in the average stay, increased jail rates which are influenced by competition at the state and local level for jail beds, and medical costs. The number of prisoners and length of stay affects the number of jail days used annually. The number of jail days increases dramatically as more prisoners are staying longer periods of time in USMS custody.

Data from AOUCS indicate that the median time from indictment to disposition (the point at which a verdict is reached) of a defendant increased from 3.0 months in 1985 to 5.4 months in 1993. (The median time from indictment to disposition in 1993 jumps to 7.1 months when only drug defendants are considered, an increase of six percent over 1992). These data substantiate earlier findings by GAO in their review of the Sentencing Guidelines and BOP's Office of Research.

Following conviction, Federal prisoners can expect to spend an additional 1.5 months in USMS custody while awaiting their sentencing hearings. Although only limited data are available on the final phase of the process, additional time must be spent in USMS custody following sentencing until a prisoner reaches his designated Federal facility. Since 85 percent of all Federal criminal cases filed lead to convictions, the time a prisoner spends in USMS custody can be quite extensive, lasting as long as nine months. The fact that prisoners are experiencing longer detention periods has a dramatic impact on the SUSP account, as this increases the number of jail days needed to house these prisoners, resulting in higher jail day costs.

Although the USMS average prisoner population increased by 265 percent from 1984 to 1993, the population began to stabilize during the last two quarters of 1991 at a level of approximately 19,500 prisoners; this stabilization continued through 1994. Between 1992 and 1993, AOUCS also experienced a stabilization in its criminal case filings, dropping 3.3 percent. Much of this decrease is attributed to decreases in drug case filings, which dropped 6.9 percent

between 1992 and 1993. According to AOUSC, none of the possible reasons cited for this decrease indicates a necessary continuation of a downward trend in drug case filings.

The USMS depends on approximately 1,000 State and local governments to house Federal prisoners. Competing demands for jail space have made acquiring this commodity much more expensive; accordingly, the average jail day rate has increased dramatically over the past several years. Under current procurement regulations, governments are allowed to annually request increases to their jail day rates. Rate increases are granted on the basis of the jail's allowable facility operating costs. Due to the declining economy, many facilities which have not sought rate increases in several years are now aggressively pursuing these increases. In such instances, the increase in the jail day rate may be significant, based on the number of years that have elapsed since the last increase and increases in operating costs.

The USMS is responsible for maintaining the custody of all Federal detainees in the Federal judicial system, from the point at which a prisoner is initially brought into Federal custody, through the entire trial process, and ending when a prisoner is finally acquitted or arrives at a designated BOP facility to serve sentence.

It is important to note that law enforcement initiatives cannot be completely effective without first considering the impact of jail space requirements and actual jail space availability. Since the USMS, like the BOP, is at the receiving end of Federal law enforcement initiatives, these jail days are uncontrollable and are truly a mandatory expense.

The USMS takes a proactive approach to reducing detention costs, solving detention issues, and predicting future workload by:

1. working closely with the Bureau of Prisons and United States Probation Offices to expedite the designation process;
2. more aggressively negotiating competitive Intergovernmental Agreement rates with State and local governments housing Federal prisoners;
3. coordinating with our counterparts at other administration of justice entities, such as the U.S. Attorneys and the Administrative Office of the United States Courts, to solve related detention issues;
4. reviewing methods for reducing prisoners' medical bills;
5. working with our State and local counterparts and the Federal judiciary to obtain critically needed bedspace; and
6. coordinating with the U.S. Attorneys in an attempt to predict future prisoner population levels.

No increases are requested for this program. It is anticipated that \$40,000,000 will be available from prior year carryover amounts, as a result of the relatively stable level of jail days required. These resources, when combined with the 1996 request, will provide adequate funds for CARE requirements.

United States Marshals Service
Support of United States Prisoners
Summary of Requirements by Object Class
(Dollars in thousands)

Object Class	1994 Actual Workyears Amount	1995 Estimate Workyears Amount	1996 Request Workyears Amount	Increase/Decrease Workyears Amount
11.8 Special Personal service payments	4,807	...	211
12 Civilian personnel benefits	92	...	14
25 Other services	253,527	...	17,634
26 Supplies & materials	10	...	-20,000
Total obligations	258,436	...	-2,141
Unobligated balance, start-of-year	-16,438	...	20,719
Unobligated balance, end-of-year	60,719	...	-40,000
Total requirements	302,717	...	-21,422
Relation of obligations to outlays:				
Total Obligations	258,436	...	-2,141
Obligated balance, start-of-year	54,811	...	67,111
Obligated balance, end-of-year	-59,796	...	-32,952
Outlays	253,451	...	32,018

Department of Justice
Fees and Expenses of Witnesses
Estimates for Fiscal Year 1996
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Summary Statement

Fees and Expenses of Witnesses

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of \$85,000,000 for 1996 to remain available until expended. The requested funding level is for current services and will be augmented with unobligated balances brought forward from prior years.

The Fees and Expenses of Witnesses activity provides for all fees and expenses associated with the provision of testimony on behalf of the Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of \$40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the government attorney who is handling the case. Such negotiations are conducted within the scope of prescribed fee ranges as provided in DOJ Order 2110.43. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine accused persons upon order of the court to determine their mental competency.

The Protection of Witnesses activity provides for the security of Government witnesses, or potential Government witnesses, and their families when their testimony, concerning organized criminal activity, may jeopardize their personal security. This program provides funding for expenses of witnesses enrolled in the Witness Security program. Such expenses include, but are not limited to, subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 98-473). The Fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed \$25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

The D.C. Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and protective services to witnesses who provide testimony in D.C. Superior Court cases.

Fees and Expenses of Witnesses

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Fees and Expenses of Witnesses

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, [\$78,000,000] to remain available until expended, of which not to exceed \$4,750,000 may be available for planning, construction, renovation, maintenance, remodeling and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed \$1,000,000 may be available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed \$4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

\$85,000,000

(5 U.S.C. 503(b), 5537, 5751; 18 U.S.C. 3495-96, 3525, 4203, 4241, 4242; 28 U.S.C. 524, 1783, 1821, 1825, 1915, 1922; Department of Justice and Related Agencies Appropriations Act, 1995.)

Explanation of Changes

There are no substantive changes.

Fees and Expenses of Witnesses

Crosswalk of 1996 Changes
(In thousands of dollars)

Activity/Program	1995 President's Budget Request	Congressional Appropriation Actions on the 1995 Request	Reprogrammings	1995 Enacted
1. Fees and Expenses of Witnesses.....	\$50,482	...	...	\$50,482
2. Protection of Witnesses	25,000	...	...	25,000
3. Victim Compensation Fund.....	0	...	...	0
4. Private Counsel.....	1,100	...	...	1,100
5. Superior Court Informant Program....	1,400	1,400	1,400	1,400
Total	77,982	...	...	77,982

Legal Activities
Fees and Expenses of Witnesses
Summary of Requirements
(In thousands of dollars)

	1994	1994	1995	1996	1996	Amount
	Enacted	Actual	Appropriation	Base	Estimate	
Adjustments to base						
1995 as enacted.....						\$78,000
Procurement reduction.....						(18)
1995 Availability.....						77,982
Mandatory changes:						
Witness expenses.....						10,768
Protected witness expenses.....						(2,450)
Private counsel expenses.....						100
Superior Court informant expenses.....						(1,400)
1996 Base.....						85,000
Program changes.....						0
1996 Estimate.....						85,000
Estimates by budget activity						
1. Fees and Expenses of Witnesses.....	\$72,260	\$54,425	\$50,482	\$61,250	\$61,250	...
2. Protection of Witnesses.....	25,611	24,930	25,000	22,550	22,550	...
3. Victim Compensation Fund.....	0	0	0	0	0	...
4. Private Counsel.....	0	1,765	1,100	1,200	1,200	...
5. Superior Court Informant Program..	0	512	1,400	0	0	...
Total.....	97,871	81,639	77,982	85,000	85,000	...

Legal Activities
Justification for Program and Performance
Activity Resource Summary
(In thousands of dollars)

	1995	1996 Base	1996 Estimate	Incr/Decr
Fees and Expenses of Witnesses....	Enacted \$50,482	\$61,250	\$61,250	...

Long-Range Goal: To continue to provide adequate funding for payment of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the offense.

Major Objectives:

To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. 524.

To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court-attendance fee paid to fact witnesses is set by law (28 U.S.C. 1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulations governing official travel by federal employees and promulgated by the Administrator of the General Services Administration.

To provide adequate resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in federal court for the indigent defendants.

To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. 4241 and 4242.

Base Program Description: This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would

not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses is essential to the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately sixty percent of expert witnesses used by the Department in 1989 were either physicians, psychiatrists, appraisers, engineers, or economists. Also, the testimony of fact witnesses is used in court proceedings by the Department's legal divisions and the U.S. Attorneys. Fact witnesses are needed in a wide range of court proceedings, as well as pre-trial conferences. Fees and expenses paid to fact witnesses are intended to defray the costs of appearing to testify and are set by law and/or regulation. Further, the importance of this program is underlined by the need to protect the rights of accused individuals. Courts often order the government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

Accomplishments: Funding allocated for this activity has been sufficient to allow the Department to handle requested expert witness compensation. These resources have also been used to provide adequate protection of the rights of accused individuals through performance of mental competency examinations. The following table illustrates the level of activity in these areas since 1991:

	1992	1993	1994	1995 ¹
Total expert witnesses used	3,218	3,482	3,493	3,450
Average fee per expert witness	\$10,600	\$10,930	\$10,415	\$10,725
Expert witness obligations	\$34,110,450	\$38,070,310	\$36,382,720	\$37,000,000
Psych Exam obligations	\$691,242	\$938,402	\$813,575	\$815,000
Fact Witness obligations	\$19,185,929	\$19,329,146	\$16,551,763	\$18,500,000

¹ The 1994 column represents estimates for the current year.

Legal Activities
Justification of Program and Performance
Activity Resources Summary
(In thousands of dollars)

Protection of Witnesses.....	1995 Enacted \$25,000	1996 Base \$22,550	1996 Estimate \$22,550	Incr/Decr ...
------------------------------	-----------------------------	-----------------------	---------------------------	------------------

Long-Range Goal: To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.

Major Objectives:

To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.

To provide orientation, documentation and family-oriented services, etc., to new entrants into the Witness Security program.

Base Program Description: The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the U.S. Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including the following: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safe-site facilities to house protected witnesses before and during trial.

Accomplishments and Workload:

	1991	1992	1993	1994
Newly enrolled participants ²	175	192	231	200
Total participants.....	12,966	13,150	14,052	14,518
Active households.....	657	700	645	1,020
Annual production days.....	1,487	1,550	1,654	1,497

² Total participants include primary witnesses and family members.

Legal Activities
Justification of Program and Performance
Activity Resource Summary
(In thousands of dollars)

	1995	1995	1995	Incr/Decr
	Enacted	Base	Estimate	...
	\$0	\$0	\$0	
Victim Compensation Fund.....				

Long Range Goal: To pay restitution, or in the case of death, compensation for the death, to any victim of a crime committed by a protected witness that results in death or serious bodily injury.

Major Objective: To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

Base Program Description: This program provides resources to compensate individuals who are victimized by protected witnesses. Section 1208 of the Comprehensive Crime Control Act of 1984 (Title II of P.L. 98-473), enacted October 12, 1984, authorized annual appropriations not to exceed \$1,000,000 for the Victim Compensation Fund. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P.L. 99-88).

Restitution will not exceed \$50,000 for those victimized since the establishment of the Fund. Restitution not to exceed \$25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473.

Accomplishments: There has been no substantive activity in this program since 1990.

Legal Activities
Justification for Program and Performance
Activity Resource Summary
(In thousands of dollars)

	1995			
	Enacted	1996 Base	1996 Estimate	Incr/Decr
Private Counsel.....	\$1,100	\$1,200	\$1,200	...

LONG RANGE GOAL. To continue to defend Federal employees personally sued for carrying out official duties.

MAJOR OBJECTIVE. To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

BASE PROGRAM DESCRIPTION. This activity provides funding to allow the Department to retain outside private counsel to represent government officers and employees who are sued for actions taken while performing their official duties. As provided for under 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel and further provided that payments for such services will be payable from the Department of Justice appropriations.

ACCOMPLISHMENTS.

The importance of the availability of private counsel funding was underscored in the case Kimberlin v. Quinlan, which, the Solicitor General declined to defend before the Supreme Court. The Solicitor's decision was based on the favorable decision the defendants had won in the Court of Appeals. In order to fulfill the Department's ethical obligation to employees who are sued as a result of actions taken in their official capacities, the Civil Division retained private counsel, who prepared and filed an opposition to the plaintiff's petition for a writ of certiorari. By contrast, when asked for the views of the United States, the Solicitor General filed a brief recommending that certiorari be granted. The plaintiffs' brief in the Supreme Court, and that of the Solicitor General should that office determine to file a merits brief, is due at the end of February. Counsel will then prepare and file the defendants' brief. Argument is scheduled for April 24, 1995.

Y Legal Activities
Justification of Program and Performance
Activity Resource Summary
(In thousands of dollars)

	1995	1996 Base	1996 Estimate	Incr/Decr
Superior Court Informants Program.	Enacted \$1,400	\$0	\$0	...

LONG RANGE GOAL. To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate D.C. Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.

MAJOR OBJECTIVES:

To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.

To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

BASE PROGRAM DESCRIPTION. This program provides for funding for the protective services offered to D.C. Superior Court witnesses. Specifically, funding is provided for subsistence expenses; travel; temporary relocation; and other miscellaneous expenses.

ACCOMPLISHMENTS. Initial funding for this program was provided in the Dire Emergency Supplemental Appropriations Act of 1991 (P.L. 102-27), enacted on April 10, 1991. Since then, the program has provided adequate temporary protective services to D.C. Superior Court witnesses. The following table presents select workload and accomplishments:

	1992 Actual	1993 Actual	1994 Actual
Principal Witnesses	26	23	27
Cumulative Witnesses	28	51	78
Production Days	85	132	53
Preliminary Interviews	32	22	18

**Legal Activities
Fees and Expenses of Witnesses
Justification of Adjustments to Base
(In thousands of dollars)**

	<u>Amount</u>
<u>Adjustments to Base:</u>	
1. <u>Witness Expenses</u>	\$10,768
This additional funding is requested to maintain the level of expert and fact witness usage projected for 1995. Specifically, the request includes a 5 percent inflationary increase for common carrier travel costs for both categories of witnesses and a 7 percent inflationary increase for fees paid to expert witnesses.	
2. <u>Private Counsel Expenses</u>	100
This increase is requested to allow the Department to continue funding expenses for private counsel at current services level. The increase is 1 percent above the 1995 enacted amount for the Private Counsel activity.	
3. <u>Decrease for Prior Year Unobligated Balances</u>	(3,850)
This decrease illustrates the anticipated use of prior year unobligated balances.	
Total adjustments to base.....	7,018

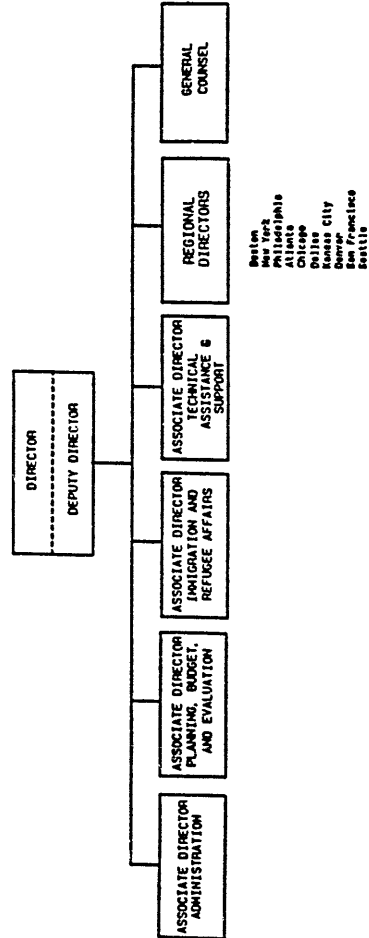
Legal Activities
Fees and Expenses of Witnesses
Summary of Requirements by Object Class
(In thousands of dollars)

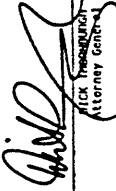
Object Class	1994 Actual	1995 Anticipated	1996 Estimate	Incr/Decr
11.8 Special Personnel				
21.0 Services payment	\$64,626	\$68,504	\$72,614	4,110
23.0 Travel & Transportation				
23.3 of persons	14,826	16,167	17,137	970
25.0 Other Rent	475	0	0	0
25.0 Other Services	1,712	1,867	1,979	112
Total obligations	81,639	86,538	91,730	5,192
Unobligated balance, start of year	-26,935	-43,167	-34,611	
Unobligated balance, end of year	43,167	34,611	27,881	
Total requirements	97,871	77,982	85,000	
Relation of obligations to outlays:				
Obligations	81,639	86,538	91,730	
Obligated balance, start of year	60,724	67,296	74,113	
Obligated balance, end of year	-67,296	-74,113	-52,843	
Outlays	75,067	79,721	113,000	

Department of Justice
Community Relations Service
Estimates for Fiscal Year 1996
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COMMUNITY RELATIONS SERVICE



Approved:  Date: 05-07-90
Rick Thompson
Attorney General

Department of Justice
Salaries and expenses, Community Relations Service
Summary Statement
Fiscal Year 1996

For FY 1996, the Community Relations Service (CRS) is requesting a total of 113 permanent positions, 114 workyears and \$20,695,000 for the two major budget activities that comprise CRS: Conflict Prevention and Resolution; and Reception, Processing and Care of Cubans and Haitians. This request represents a net program decrease of 3 positions, 3 workyears and \$217,000 below the FY 1996 Base Request. A program decrease of 2 positions, 2 workyears, and \$80,000 in Conflict Prevention and Resolution, and 1 position, 1 workyear and \$40,000 is included in this submission to meet the Administration's goal of reducing employment levels. Other program decreases amounting to \$97,000 are included in this submission to meet the Administration's goal of reducing administrative costs.

CONFLICT PREVENTION AND RESOLUTION

In accordance with Title X of the Civil Rights Act of 1964 (42 USC 2000g), CRS provides assistance to communities and persons in the prevention and resolution of disputes, disagreements, and difficulties relating to perceived discriminatory practices based on race, color, or national origin. At the requested funding level, 91 positions, 98 workyears, and \$10,638,000 will be available for this activity.

For 30 years CRS has provided services directly to communities as they struggle with racial and ethnic conflicts and tensions. CRS has a unique role in DOJ. CRS is not an enforcer, a legislator, a grantor, or a monitor. CRS comes to the community with no "strings," no requirements. CRS provides direct conflict resolution services to its customers, and comes strictly to help people work through racial and ethnic tensions, and to establish ways in which they can address such tensions on their own in the future. More and more frequently these are police officials receptive to working more closely with those in the communities they serve.

Accordingly, CRS' on-going casework directly addresses several major themes, including: empowering state and local government; emphasis on more direct service delivery to the public; cross agency collaboration to strengthen communities and families; expansion of the use of alternative dispute resolution; and support for racial and ethnic harmony. For FY 1996, CRS proposes to continue to respond to racial conflicts as they erupt around the country.

CRS will also emphasize the prevention of such conflicts through its long standing involvement with law enforcement in the context of community oriented policing. These efforts conform with the desire to attack the problem of escalating violence emerging across the country, a problem which is particularly pernicious in many of the communities with which CRS works to address racial and ethnic tensions.

Attention to violence is particularly critical when it comes to the youth in our nation's elementary and secondary schools, who often resort to violence before considering any other means to resolve their disputes. Accordingly, CRS has been instrumental in conceptualizing and coordinating a series of "Police - Youth Forums", jointly sponsored by DOJ's Bureau of Justice Assistance and the Police Consortium. CRS' involvement was driven by the clear need to introduce conflict management techniques into situations where potential clashes of views, and values, often lead to violent disruption of school and community life.

Law enforcement agencies throughout the country as well as citizens groups, community leadership, and local political and educational leaders are turning in increasing numbers to CRS to help them to understand and address the factors leading to racial conflict before they escalate into costly violence, economic disruption, property loss, and life threatening situations. Requests for assistance in addressing those conflicts demonstrate that the Department of Justice, and the Community Relations Service, in particular, is recognized for its ability to forge the partnerships among diverse communities that will determine whether the Nation functions in an environment of respect for our differences, or one of fear and hostility between and among armed camps. In FY 1994, CRS closed 550 cases involving significant community-wide conflicts of a racial or ethnic nature, fostering the peaceful reduction of racial and ethnic tensions in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. These efforts will continue, and the value being placed upon them has created a high level of demand for CRS' unique services.

With the discrimination caseloads of most other Federal agencies growing at roughly 25 percent, it is apparent that the tide of racial intolerance and turmoil throughout the country cannot be reversed without a strong commitment to building capacity at the local level to prevent racial conflict, and the prevalence of violence between racial groups. This effort involves bringing together community leaders, representatives of local government and law enforcement, the private sector, social service providers, educators, and parents, to empower their communities to develop local approaches to reducing racial and ethnic tensions.

This perspective is based on a recognition that: 1) CRS' mediation, conciliation and technical assistance can resolve deep seated racial tensions, and provide communities with the skills and mechanisms to address future conflicts, at a fraction of the cost of litigation and with less destruction to the fabric of the local community; 2) it is less costly and more effective to prevent, rather than to respond to, racial conflict; 3) the Federal government cannot, and should not try to, resolve these problems alone; and 4) our society cannot afford to do nothing about preventing racial conflict.

CRS' continued efforts to provide a catalyst for local solutions to local problems is in keeping with the original legislative intent of Congress, which was to provide an effective alternative mechanism to federal enforcement action in local civil rights disputes. As a component of the Justice Department, CRS is uniquely situated to be effective at meeting this objective. CRS is able to gain immediate access to State and local governmental authorities who may be involved in conflicts in local communities. However, as a non-investigative and non-enforcement agency, CRS can play an impartial facilitator's role between these officials and community leaders in conflict over racial issues.

CRS conciliators are prohibited by law from being involved in investigations or other enforcement activities and are, therefore, free to create, through application of accepted mediation and conciliation techniques an atmosphere of candor and trust among the local parties in dispute. CRS effectiveness on the local level is further enhanced by the strictly voluntary nature of our services. CRS offers its services wherever, and whenever, it appears that the social fabric and economy of a community will be disrupted by racial conflict. However, none of the parties is required to take part in CRS conciliation or mediation. The decision to participate is made only at the local level.

CRS proposes to continue its 30 years of racial conflict prevention and resolution activity and its 20 years of involvement in community policing. CRS request will also support its efforts to continue an attack on youth violence by promoting respect for human life and the rule of law, tolerance of racial differences, and the use of alternative dispute resolution. CRS will accomplish a reduction of 2 positions, 2 workyears and \$80,000 in conformance with the Administration's goal of reducing federal employment, as well as a further reduction of \$71,000 in administrative costs.

RECEPTION, PROCESSING, AND CARE OF CUBANS AND HAITIANS

The 1996 request for the reception, processing and care of Cuban and Haitian entrants is aimed exclusively at new arrivals reaching our shores. The portion of this program which in former years provided for the physical and mental health care of Marie) Cuban detainees and the transitional care of Marie) Cuban ex-offenders paroled from Immigration and Naturalization Service (INS) and Bureau of Prisons (BOP) institutions, has been transferred to BOP. At the requested funding level, 22 positions, 16 workyears, and \$10,057,000 will be available to CRS for the reception, processing and care of new Cuban and Haitian arrivals.

In FY 1996, CRS projects that the number of Cubans and Haitians entering the United States via rafts, boats and planes will decline from the dramatically increased numbers seen during FY 1995. This tendency toward stabilization will not, however, result in fewer resettlements by CRS. While the number of Haitians in need of CRS resettlement should be very low due to the return of President Aristide, the number of Cubans in need of primary/secondary resettlement services by CRS will continue to be extraordinarily high. The number of Cubans rescued by the Coast Guard skyrocketed from 3,500 in FY 1993 to over 44,000 in FY 1994. It became necessary to establish Safe Havens to house both Cubans and Haitians in order to stem the outflow and bring order to the exodus from Cuba. Once the Safe Haven policy was implemented, CRS became a major player in mounting virtually every aspect of the humanitarian support needed to sustain both these

populations, at the Guantanamo Naval Base and, ultimately, Cuban migrants provided safe haven in the Canal Zone, Panama. At this point, there is every indication that CRS will still have a major role in the operation of the Safe Haven at Guantanamo, as well as responsibility for resettlement of up to 8,000 Cubans from Guantanamo to the United States in FY 1996.

At the request level, CRS will be able to provide resettlement assistance to a projected 7,931 entrants (plus 200 unaccompanied minors). CRS will also accomplish a reduction of 1 position, 1 workyear, an \$40,000, as well as \$26,000 in administrative and other costs associated with the Reception, Processing and Care of Cuban and Haitian Entrants.

Community Relations Service
Salaries and expenses

Justification of Proposed Changes in Appropriation Language

New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses, Community Relations Service

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, [\$20,379,000] of which not to exceed [\$10,001,000] shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under Section 501(c) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1809) for the processing, care, maintenance, security, transportation, and reception and placement in the United States of Cuban and Haitian entrants: Provided, That notwithstanding section 501(e) (2) (B) of the Refugee Education Assistance Act of 1980 (Public Law 96-422; 94 Stat. 1810), funds may be expended for assistance with respect to Cuban and Haitian entrants as authorized under section 501(c) of such Act: (Reorganization Plan No. 1 of 1966, Department of Justice and Related Agencies Appropriations Act, 1995.) Provide further. That to provide for an unanticipated influx of Cubans and Haitians, the Attorney General may transfer such funds as may be necessary to this account from Immigration and Service. Salaries and expenses. \$20,695,000
\$10,057,000

Explanation of changes.

The proposed language would allow the Attorney General to transfer resources from the Immigration and Naturalization Service (INS) to the Community Relations Service (CRS) in the event that the number of resettlements projected exceeds the number of resettlements CRS can fund with its appropriation.

Legal Activities
Salaries and Expenses, Community Relations Service
Comparison of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request		Congressional Actions on 1995 Request		Reprogramming		1995 Appropriation	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amt.	Pos.	NY Amount
1. Conflict Prevention and Resolution:								
a. Technical Assistance.....	7	7	618	...	(7)	(8618)	...	...
b. Program Operations.....	68	73	7,692	...	7	618	75	80
c. Management and Administrative Services.....	18	20	2,077	...	...	...	18	20
Subtotal.....	93	100	10,387	...	...	...	93	100
2. Reception, Processing and Care of Cubans and Haitians.....	23	17	9,992	...	...	...	23	17
Total.....	116	117	20,379	...	...	...	116	117

Reprogramming:

CRS proposes to integrate the Conflict Prevention and Resolution/Technical Assistance and Support decision unit into the Conflict Prevention and Resolution/Program Operations decision unit as a means of further strengthening field operations and emphasizing more efficient service, delivery and support to its customers. No organizational changes are associated with the proposed reprogramming. CRS' intention is to reflect, for budget presentation purposes, the full integration of the technical assistance and support staff into program operations. This reprogramming has been approved by the Senate.

*Includes a reduction of \$38,000 associated with GSA Rent savings.

Legal Activities
Salaries and expenses, Community Relations Service
Summary of Requirements
(Dollars in thousands)

Adjustments to base:			
1995 as Enacted.....	Perm. Pos. 116	NY 117	Amount \$20,379
Streamlining Reductions.....	-3	-3	-120
Mandatory Increases.....	0	0	540
Non-policy Decreases.....	0	0	-104
1996 Base	113	114	20,695

	1994 Enacted				1995 Appropriation				1996 Base				1996 Estimate				Increase/Decrease			
	Perm.	NY	Amount	Pos.	Perm.	NY	Amount	Pos.	Perm.	NY	Amount	Pos.	Perm.	NY	Amount	Pos.	Perm.	NY	Amount	Pos.
Estimates by budget activity																				
1. Conflict prevention and Resolution.....	90	97	\$9,639	90	97	\$9,639	93	100	\$10,387	91	98	\$10,638	91	98	\$10,638	91	98	\$10,638	91	98
2. Reception, processing and Care of Cubans and Haitians.....	29	25	18,878	29	25	15,266	23	17	2,322	22	16	10,037	22	16	10,037	22	16	10,037	22	16
Total.....	119	122	28,706	119	123	25,605	116	117	20,379	113	114	20,695	113	114	20,695	113	114	20,695	113	114
Balances available start-of-year.....	119	122	4,851	119	123	25,605	116	117	20,142	113	114	20,695	113	114	20,695	113	114	20,695	113	114
Total availability.....	119	122	33,557	119	123	25,605	116	117	20,142	113	114	20,695	113	114	20,695	113	114	20,695	113	114

Legal Activities
Salaries and Expenses, Community Relations Service
Summary of Resources by Program
(Dollars in thousands)

	1994 as Enacted		1994 Actual		1995 Appropriation		1995 Base		1996 Estimate		Increase /Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Estimates by Program												
Conflict Prevention and Resolution:												
Technical Assistance	7	7	5596	7	7	5585	...	...	...	...	...	...
Program Operations	65	70	7,203	65	70	7,064	75	80	73	78	8,498	...
Management and Administrative Services	18	20	2,022	18	20	1,990	18	20	18	20	2,140	...
Subtotal	90	97	9,828	90	97	9,639	93	100	91	98	10,638	...
Reception, Processing and Care of Cubans and Haitians	28	25	18,878	28	26	15,966	23	17	22	16	10,057	...
Total	119	122	28,706	119	123	25,605	116	117	113	114	20,695	...
Reimbursable Workyears	...	...	...	...	...	...	...	...	...	...	...	...
Other Workyears	2	2	...	2	...	...	...	...	2	...	...	...
Overtime	124	125	...	125	...	...	...	...	116	...	...	...
Total	124	125	...	125	...	...	...	...	116	...	...	...

Community Relations Services
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	<u>1994 Actual</u>		<u>1995 Estimate</u>		<u>1996 Request</u>		<u>Increase/Decrease</u>	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
<u>Collections by Sources:</u>								
Immigration and Naturalization Service.....	...	\$7,080	...	\$3,987	...	\$3,987	...	...
Bureau of Prisons.....	...	6,200	...	...	...	...	...	...
Asset Forfeiture Fund.....	...	1,400	...	...	...	...	...	...
Federal Emergency Management Agency.....	...	139	...	25	...	25	...	...
Department of Treasury.....	...	6	...	...	...	...	...	...
Budgetary Resources	14,825	...	4,012	...	4,012	...	...
<u>Obligations by Activity:</u>								
Conflict Resolution	145	...	25	...	25	...	...
Recruitment, Processing, and Care	14,680	...	3,987	...	3,987	...	...
Of Cuban and Haitians
Total	14,825	...	4,012	...	4,012	...	...

Goods and Services Provided: In 1995, INS furnished funding to support the resettlement of Cuban Nationals paroled into the United States for Safehaven and Guantanamo Bay, Cuba and to provide shelter care and other child welfare related services to Alien Unaccompanied Minors held in the legal custody of the INS.

Justification of Increases/Decreases: Reimbursement funding is anticipated for 1996 for the resettlement of Cuban Nationals paroled into the United States through the INS Visa Lottery Program and the provision of shelter-care and other child welfare related services to unaccompanied minors held in the legal custody of the INS. Employing its experience in designing and operating such programs for unaccompanied Cuban and Haitian minors, CRS has established successful programs for Central American minors and Chinese minors who have been detained by INS but for whom INS must find a satisfactory disposition. By all reports, INS has been pleased with the programs established by CRS and the continuation of those programs in 1996 is accordingly anticipated.

Community Relations Service
Salaries and expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Conflict Prevention and Resolution:	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	Pos.	MY Amount	Perm.	Pos.	MY Amount	Perm.	Pos.	MY Amount	Perm.	Pos.
Program Operations.....	75	80	8,310	73	78	8,498	73	78	8,498	...	...
Management and Administrative Services.....	18	20	2,077	18	20	2,140	18	20	2,140	...	...
Total.....	93	100	10,387	91	98	10,638	91	98	10,638	...	...

This budget activity includes resources to assist communities in the prevention and resolution of disputes, disagreements, and difficulties arising out of practices perceived to be discriminatory on the basis of race, color, or national origin, as authorized by Title X of the Civil Rights Act of 1964. Through CRS prevention activities and by bringing disputes to the negotiating table early, CRS may help avoid significant disruption to the fabric of local communities, prevent violence, loss of life and major property damage, and preclude more costly Federal intervention, potentially extending to law enforcement investigations, judicial process and correctional facilities.

Activity: Conflict Prevention and Resolution:	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	Pos.	MY Amount	Perm.	Pos.	MY Amount	Perm.	Pos.	MY Amount	Perm.	Pos.
Program Operations.....	75	80	8,310	73	78	8,498	73	78	8,498	...	...

LONG-RANGE GOAL: To assist communities in the prevention and resolution of disputes, disagreements, and difficulties arising out of practices perceived to be discriminatory on the basis of race, color, or national origin.

MAJOR OBJECTIVES:

- To provide conflict prevention and resolution services through conciliation, mediation, technical assistance and training.
- To help local and regional agencies establish and improve their own mechanisms for anticipating, preventing, tension or disputes.
- To provide advice to help ensure the safety and stability of communities in which the Office of Immigration and Refugee maintains operations.
- To maintain and operate CRS' crisis command function and to maintain liaison with the Department's Crisis Management Center.
- To provide for program-related training, as well as technical support for implementing the Agency's national initiatives and special emphasis programs, interagency and intra-departmental partnerships.

BASE PROGRAM DESCRIPTION:

CRS assists parties to prevent and resolve disputes based on race, color, or national origin through conciliation, mediation, training and technical assistance. Through conflict resolution, CRS helps parties, many of whom are law enforcement agencies, to identify the major issues in conflict, to identify points of agreement within those issues, and to define the actions necessary for resolution of the conflict. Through its prevention and outreach efforts, CRS seeks to reduce the prospects for violence and community discord through dialogues, problem-solving workshops, and structured training interventions. In this context, training and technical assistance are provided in areas such as community-oriented policing, avoiding excessive use of force, police/community relations, and cultural diversity. In liaison with CRS' Office of Immigration and Refugee Affairs, Regional staff conduct assessments of community receptivity to, and concern about, influxes of Cuban and Haitian entrants. CRS undertakes and coordinates interagency projects each year in cooperation with public and private sector organizations, e.g., the Federal Bureau of Investigation (FBI), the Defense Equal Opportunity Management Institute (DEOMI), the Office of Justice Programs and the Department of Education.

This program has subsumed the activities previously reflected in the Conflict Prevention and Resolution/Technical Assistance decision unit. Other than that, there has been no change in this program since the 1994 Congressional submission.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and workload of the Program Operations program are presented in the following tables:

Item	1993	1994	Estimate	
			1995	1996
1. Alerts:				
Pending, start-of-year.....	481	475	551	279
Received.....	1,854	1,876	1,984	1,876
Moved to Assessment.....	1,230	1,755	1,856	1,755
Closed on Alert.....	464	45	400	300
Pending, end-of-year.....	641	551	279	100
2. Assessments:				
Pending, start-of-year.....	369	374	771	360
Received.....	1,230	1,755	1,856	1,755
Moved to case.....	729	701	864	817
Closed on assessment.....	555	657	1,403	916
Pending, end-of-year.....	315	771	360	382
3. Cases:				
Pending, start-of-year.....	782	291	442	476
Received.....	729	701	864	817
Closed.....	800	550	830	780
Pending, end-of-year.....	711	442	476	513
4. Regional Prevention Services.....	89	751	944	893
5. Weed and Seed programs supported.....	19	3	3	3
6. Courses developed and implemented.....	2	2	2	2
7. Inter-agency projects managed.....	10	8	8	8
8. Outreach activities undertaken.....	12	41	43	41

9. Congressional and Media Affairs					
Responses to public information requests...	400	925	925	350	
Responses to press & electronic media.....	520	575	650	520	
Responses to Congressional inquiries.....	36	60	1,000	60	
Development of Publications.....	6	3	3	3	

EXPLANATION:

The CRS Information System (CRSIS) initialized in August 1994 provides a more accurate picture of the number of prevention services. The new case information system allows CRS to track the number of training and technical assistance services provided, which is reflected in the significant increase between FY 1993 and FY 1994. It is anticipated that CRSIS will be invaluable as the transfer to performance measures, developed in accordance with the Government Performance Review Act, are implemented. While CRSIS will ultimately provide more specific and reliable data, as with all new systems, there were several implementation bugs. The migration of back data from the interim ODIS reporting system to CRSIS, and the need for CRS staff to familiarize themselves with a completely new system, resulted in information disjuncts between FY 1993 end of year pending activities and FY 1994 start of year activities. In addition, some staff may have delayed entering case reports as they were trying to learn the new system - if they waited until after September 30, 1994, the reports (such as Alert Closures) will be reflected in the FY 1995 workload indicators. A special project has been initiated in FY 1995 to provide additional training and on-screen technical support to improve the validity of case data.

CRS case closures reflect a decreasing number of cases largely because CRS does not have the staff resources to pursue many of the cases of which it becomes aware. In CRS' situation, this decline is a reflection of the agency's capacity to respond rather than an indication of the level of need. In FY 1994, the agency experienced a significant decline in the available conciliation staff resources. A significant factor in this regard was the high level of crisis response work that diverted the staff from normal case work. Conciliation staff were required to devote hundreds of hours to conflict reduction in the Safe Haven sites of CRS' Cuban Haitian Entrant Program around the Caribbean; others were diverted to support the Federal Emergency Management Agency's need for conflict reduction in communities impacted by flooding in Georgia, and by the earthquake in southern California. An unusually high level of attrition during FY 1994, only served to compound these problems. The workload indicators for FY 1995 and FY 1996 reflect projected changes in the number of staff available to carry out the conflict prevention and resolution mandate of CRS.

The significant increase in responses to public information requests in FY 1994, and in responses to press and electronic media, and to Congressional inquiries in FY 1995, reflect the role that CRS assumed in the Safe Havens operations to provide information (as available) to interested parties seeking the whereabouts of Cuban and Haitian migrants. The decrease in these indicators in FY 1996 reflects anticipated reductions in the size of the CRS Safe Haven operation.

ACCOMPLISHMENTS:

The accomplishments of the CRS conflict prevention and resolution program are exemplified in the case descriptions below.

Mediation of the National Collegiate Athletic Association(NCAA)/Black Coaches Association Dispute

CRS was asked to get involved in the dispute between the NCAA and Black Coaches Association after members of the Black Coaches Association threatened to boycott NCAA basketball tournament games, primarily over the treatment of Black athletes and the number of scholarships allowed at NCAA-affiliate institutions. The CRS-mediated agreement establishes a framework for addressing a number of issues including the expansion of education, employment and policy-making participation for Black and other ethnic minorities in the NCAA. CRS' participation in the resolution of this dispute prevented a threatened boycott by the Black coaches of the NCAA's national tournament.

Integration of A Public Housing Complex in Vidor, Texas

CRS worked with the Department of Housing and Urban Development (HUD) to stabilize the racial tensions in Vidor, Texas, which resulted when an all-White public housing complex was integrated. In 1993, four Black families, who had moved into the housing complex after a Federal Court directed HUD to integrate the complex, moved out as a result of continued pressure and hostility from some of the White residents. When HUD undertook efforts to re-integrate the housing complex, CRS assisted local law enforcement, civic, and community leaders to develop contingency plans in an effort to avoid confrontations during a Neo Nazi protest march and rally in Vidor; helped the local Mental Health Association set up a rumor control center; and worked with regional minority groups to address the increased tensions in the surrounding cities. CRS also conducted cultural diversity and principles of good policing training for Vidor police officers to reduce the likelihood of violence when the re-integration occurred. In January 1994, when four Black families moved into the housing complex, CRS was on-site and provided technical assistance to the Vidor and Orange Police Departments. The families moved in without incident.

Miami Reaction to Cuban and Haitian Refugees

CRS responded to heightened Black and Hispanic community tension generated by the Cuban and Haitian migrant influx, in which 50,000 Cuban and Haitian migrants were provided shelter in temporary safe havens at the Guantanamo Naval Base in Cuba, on board Naval and Coast Guard vessels, in Kingston, Jamaica, on Grand Turk Island, or detained at the INS Xrome Processing Center in Miami, and at Port Isabel, Texas. CRS was on-site for demonstrations at the INS District Office in Miami's Little Haiti, and at marches and demonstrations at various public sites, to provide conflict prevention and

conciliation services. CRS also served as a liaison between the Cuban and Haitian communities and DOJ, to assist in resolving problems, communicating information to and from the community, and defusing rumors.

Calming Racial Tensions in Wetumpka, Alabama

CRS was on-site in Wetumpka, Alabama, to help calm racial tensions following an act of arson that destroyed Randolph County High School. CRS was familiar with the community, having provided conciliation services since February 1994, for racial tension arising from the former White high school principal's remarks about the school prom and interracial dating. CRS worked with law enforcement and community leaders in efforts to ensure that marches and protests planned by the Southern Christian Leadership Conference, the Ku Klux Klan, and the Nationalist Movement (a White supremacist group) were peaceful. CRS also met with school officials regarding conflict prevention activities in preparation for the opening of school. Throughout the process, CRS maintained close liaison with the U.S. Attorney, DOJ's Civil Rights Division, and staff at the local Congressman's office.

Improving Relations in Indian Country

CRS assisted officials of the State of South Dakota and tribal leaders from two Indian reservations by mediating agreements on long-standing issues of jurisdiction in Indian country. One agreement on the Sisseton-Wahpeton reservation involved the South Dakota Game, Fish, and Parks Department, and dealt with tribal jurisdiction over how the boundaries of trust lands and the State's waterways are delineated. As a result of CRS mediation, the agreement reached calls for joint jurisdiction on a case-by-case basis. On the Rosebud reservation, CRS mediated an agreement that involved the reservation's Sioux Tribe, the South Dakota Attorney General's Office, the county sheriff, the county attorney, and the South Dakota U.S. Attorney's Office. The dispute centered on how non-Indian law enforcement officers contacted Indian suspects who were on the reservation. Agreement was reached that any State official contacting a suspect on trust land must be accompanied by a tribal law enforcement supervisor, or the supervisor's designee.

Prevention Program

During 1994, CRS also provided substantial support to law enforcement agencies and communities interested in investing in the welfare of their community through implementation of a community policing philosophy. CRS' management has emphasized the development of the agency's capacity to provide instructional materials, training, and consultation services on community policing. CRS' contacts and credibility with law enforcement agencies around the country, extensive interactions with local community groups, effective working relationships with police, and ability to mediate working agreements between participating agencies, enabled it to offer assistance and play a significant role in supporting community policing.

Another important area of focus in FY 1994 was assistance to schools and colleges struggling with racial conflicts and violence that severely impact the safe and secure environment required for productive learning. CRS established the prevention of violence and racial conflict in schools as one of its national program initiatives for FY 1994. CRS' implementation strategies included encouraging State and local school officials to incorporate conflict management and resolution skills into school curricula, and providing technical assistance to those interested in expanding their efforts in this area.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Enacted			Perm.			Perm.			Perm.		
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Management and Administrative Services.....	18	20	2,077	18	20	2,140	18	20	2,140	...	...	...

LONG-RANGE GOAL: To ensure CRS' effective and efficient service delivery through executive leadership, policy guidance, program planning, and monitoring and evaluating performance; and to improve operational efficiency and management controls in the delivery of personnel, procurement, financial management, and other administrative and management support services.

MAJOR OBJECTIVES:

To provide executive level policy guidance and direction to CRS operations, consistent with Federal legislation, regulation, Departmental policy, and other relevant authority.

To conduct and coordinate communication with Congress, Federal agencies, other Departmental components, national private sector organizations, news media, and the public to ensure provision of timely and accurate information.

To provide legal oversight, review, and analysis service to CRS' components.

To conduct programmatic research, strategic and operational planning, to ensure that programmatic activities are responsive to demand for services.

To formulate, monitor, and manage CRS' budget to ensure efficient use of financial resources.

To manage CRS' automated data processing (ADP) resources and management information systems to ensure adequacy of information processing services and integrity of operational data.

To conduct relevant, reliable, and timely evaluation of CRS' programs and analysis of operations to ensure efficient delivery of effective, high-quality services.

To provide timely advisory services to all management levels on technical matters related to management controls, audit resolution, grant award and administration, personnel, and administrative management functions.

To develop and operate an effective management controls program in compliance with the Federal Managers' Financial Integrity Act and the OMB Circular A-123, and to reduce the potential for fraud, waste, and mismanagement of Agency resources.

To provide timely processing of all requests for personnel actions, procurement, grant awards, financial management, and other administrative support services (i.e., supply requests, telephone requests, space management, travel, security).

BASE PROGRAM DESCRIPTION:

The functions of Management and Administrative Services are carried out by the Office of the Director, the Office of Planning, Budget, and Evaluation, and the Office of Administration. The Office of the Director: develops, implements, and monitors adherence to, CRS' policy; monitors CRS' compliance with Department of Justice's guidance, and Federal law; defines CRS program priorities, goals, and objectives; supervises programmatic performance; manages and coordinates external communication; conducts liaison activities with national organizations; and provides legal review and analysis of CRS operations. The Office of Planning, Budget, and Evaluation: conducts internal and external research to identify service requirements and policy issues; develops and pilots responsive program concepts and relevant policy proposals; operates CRS' annual and long-term planning processes; formulates, and monitors, the execution of the CRS budget; manages CRS' IRM activities, oversees operation of its management information systems; periodically analyzes CRS programs and operations; and recommends actions to the Office of the Director regarding CRS policy, programming, and performance. The Office of Administration provides administrative support, personnel, financial, grants management, and procurement services. The Office of Administration provides direct input of vouchers, personnel requests, requests for goods and services, inventory control, etc., to the Justice Management Division's accounting system. The Office is also responsible for management support functions, including the Service's staff development program, management controls program, and audit resolution and compliance activities.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Management and Administrative Services' program are presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
General Counsel				
Responses to FOIA/Privacy Act inquiries.....	35	35	35	35
Legal assistance/opinions for regional office requests for				
Studies of legislation bearing on CRS.....	750	750	750	750
Directives revised/published	3	5	4	4
Responses to Ethics inquiries	4	10	12	6
	55	55	55	55
Planning and Evaluation				
Strategic plan reviews and updates.....	...	1	1	1
Annual operating plans reviewed and approved	15	15	15	15
Reports on operating plan accomplishments.....	3	4	4	4
Ad hoc management reports developed.....	35	30	30	30
Evaluations of programmatic implications of available data bases.....	4	3	3	6
Prevention support activities for the field..	25	25	25	25
Budget				
Budget submissions & testimony developed.....	10	10	10	10
Funds availability reviews.....	625	600	600	600
Budget reports prepared.....	12	12	12	12
Budget management systems reviewed.....	10	10	10	10
ADP/Information Management				
Applications developed.....	1	4	4	4
Data bases managed.....	2	6	6	6
Special data retrieval reports.....	...	4	8	12

Item	1993	1994	Estimate	
			1995	1996
Administrative Services				
Personnel and payroll actions processed.....	3,700	6,000	6,000	4,000
Procurement actions processed.....	300	400	400	350
Financial records created.....	2,100	2,100	2,100	2,100
Invoices processed.....	700	700	700	700
Special reports prepared	45	40	35	35
Conference planning	4	7	7	4
Staff development plans reviewed and policies developed.....	20	55	55	55
Internal control reviews conducted	3	5	5	5

EXPLANATION:

The 50% decrease in the number of directives revised/published in FY 1996 reflects CRS compliance with the NPR requirement that the number of agency directives be reduced.

The small increases in data base evaluations and special data retrieval reports projected in FY 1996 are based on a growing use of the Internet and its resources.

The increases in personnel, payroll, and procurement actions in FY 1994 and FY 1995 reflect the number of temporary hires and multiple operations necessitated by the Safe Haven programs in Jamaica, Turks and Caicos, Panama, Guantánamo, and Miami.

ACCOMPLISHMENTS:

Examples of the accomplishments of the Management and Administration staff are reflected below.

CRS' General Counsel participated in several interagency working groups, including those on violence, environmental justice, the Attorney General's listening conference for the Indian tribes, and Weed and Seed sites. CRS also worked with DOJ's Office of Justice Programs, the Office of Policy Development, and the Office of Public Affairs to advise on CRS work in program areas and relative to the Attorney General's initiatives, and established lines of communication with the Departments of State and the Housing and Urban Development.

CRS initiated activities in support of the National Performance Review (NPR) augmenting limited field resources while significantly downsizing and realigning its headquarters operations. CRS also conducted activities in support of the NPR Customer Service Initiative, including the development of a customer service plan for the conflict prevention and resolution program which included five customer service standards, and obtaining approval from the Office of Management and Budget for the distribution of customer service surveys. CRS also conducted an employee survey to identify ways to improve the agency, followed-up with problem-solving work group sessions with managers and employees, and conducted monthly all staff conference calls. Many of the recommendations identified in the group sessions were implemented.

An analysis was conducted of trends in crime and violence in communities and schools throughout the United States, and this information was used in planning CRS' program priorities for FY 1995. Reports were completed summarizing the three seminars conducted with law enforcement officials and Southeast Asian community representatives, and distributed to over 200 participants.

An audit of CRS' 1993 Financial Statement was recently completed by a commercial accounting firm; no material weaknesses or substantial deficiencies were found. Immediately following the completion of the 1993 audit, the same firm began an Audit of CRS' 1994 Financial Statement.

CRS completed development of, and implemented, a new automated casework information system (CRSIS), which will provide CRS with more accurate information on our field activities and the impact of our work in communities across the United States. Installation of a local area network connecting CRS headquarters and all field locations was initialized and will be completed by the second quarter of FY 1995.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Enacted			Perm.			Perm.			Perm.		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Activity: Reception, Processing and Care of Cuban and Haitians.	23	17	\$9,992	22	16	\$10,057	22	16	\$10,057	...	...	...
LONG-RANGE GOAL: To resettle Cuban and Haitian entrants into communities so as to promote public safety, avoid community conflict and minimize the impact on public resources.												

MAJOR OBJECTIVES:

To provide assistance and support to the Joint Military Task Force, including administration of education and recreation programs for migrants, resettlement of migrants approved for parole into the United States by the INS, and broad based assessment of conflict/tension related issues as well as direct assistance in resolving these issues.

To provide appropriate resettlement services to Cuban and Haitian nationals, including unaccompanied minors, who are paroled into the United States by the Immigration and Naturalization Service (INS) from the INS Krome Service Processing Center and from Safe Haven at Guantanamo Bay, Cuba.

To provide secondary resettlement services to Cuban and Haitian entrants whose initial resettlements did not lead to their achievement of economic self-sufficiency.

To provide shelter care and other child welfare related services, including family reunification and foster care placement to unaccompanied Cuban and Haitian minors held in the custody of INS.

BASE PROGRAM DESCRIPTION:

Through grants to national voluntary agencies, CRS' Primary Resettlement Program provides transitional community-based refugee resettlement services to Cuban and Haitian nationals paroled by the INS from INS Service Processing Centers, primarily the Krome Service Processing Center in South Florida, and safe haven at Guantanamo Bay, Cuba.

The Secondary Resettlement Program provides resettlement services, emphasizing employment placement and retention, at specialized sites outside the state of Florida to Cubans and Haitians whose initial resettlement in South Florida did not lead to self-sufficiency.

CRS' Unaccompanied Minors Program provides foster care, residential shelter care, health, counseling, educational, recreational services, including family reunification and foster care placements to unaccompanied Cuban and Haitian minors through cooperative agreements with child welfare agencies. These services are provided in compliance with existing State child welfare standards and regulations. CRS involvement ensures that unaccompanied minors apprehended by the INS are placed in safe and suitable environments.

In 1993, the Attorney General made the decision to transfer from the CRS to the Bureau of Prisons (BOP) the responsibility for certain functions of the Cuban Haitian Entrant Program related to Mariel Cuban detainees that are more congruent with the BOP's mission than with CRS'. As a result of this decision, the programs that provided outplacement, resettlement, medical, and mental health care services to Mariel Cuban detainees paroled by INS from INS and BOP detention facilities and from St. Elizabeth Hospital were administered by the BOP by the end of 1994, funding

for these programs was transferred to BOP in 1995. Therefore, budget and workload figures associated with the activities of these program areas are not be reflected in CRS' submission.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Reception, Processing, and Care activity are presented in the following tables:

Item	1993	1994	Estimate	
			1995	1996

CRS RESETTLEMENTS:

Primary/Secondary Resettlement:

Primary Resettlement:					
- Adults & Accompanied Minors.....	4,391	5,650	8,000		7,931
- Unaccompanied Minors/Shelter Care.....	98	200	200		200
Secondary Resettlement.....	22	25	25		28

EXPLANATION:

As evidenced by the table below reflecting the numbers of Cubans and Haitians rescued by the Coast Guard, CRS has experienced a dramatic increase in the number of Cuban and Haitian entrants, including unaccompanied children entering South Florida. The influx of Cubans, in particular, strained CRS' capacity to provide primary resettlement services in 1994 and is expected to do so again in 1995. In fact, in 1994 the number of Cubans and Haitians provided resettlement services by CRS increased by 190 % over the number resettled in 1993, from 4,333 to 17,549. During the first quarter of 1995, CRS provided resettlement services to 1,853 Cubans and Haitians.

CUBANS RESCUED BY THE U.S. COAST GUARD BY YEAR			
EX	TOTAL	EX	TOTAL
1983	47	1989	391
1984	19	1990	467
1985	43	1991	2,161
1986	27	1992	2,626
1987	44	1993	4,937
1988	59	1994	25,246

Workloads presented for primary and secondary resettlement of Cubans and Haitians in 1995, and 1996 reflect the current best estimates of CRS, based upon 1994 workload and current U.S. policy regarding repatriation and resettlement. Primary and secondary resettlements for 1994 reflect the explosion in Coast Guard rescues that occurred, and, for 1995, the anticipated resettlement of Cubans from Guantanamo. Very few Haitian resettlements are anticipated.

In FY 1996, CRS projects that the number of Cubans and Haitians entering the United States via rafts, boats and planes will decline from the dramatically increased numbers seen during FY 1995. This tendency toward stabilization will not, however, result in fewer resettlements by CRS. While the number of Haitians in need of CRS resettlement should be very low due to the return of President Aristide, the number of Cubans in need of primary/secondary resettlement services by CRS will continue to be extraordinarily high. The number of Cubans rescued by the Coast Guard skyrocketed from 3,500 in FY 1993 to over 44,000 in FY 1994. It became necessary to establish Safe Havens to house both Cubans and Haitians in order to stem the outflow and bring order to the exodus from Cuba. Once the Safe Haven policy was implemented, CRS became a major player in mounting virtually every aspect of the humanitarian support needed to sustain both these populations in Jamaica, at the Guantanamo, Cuba Naval base and, ultimately, and Cuban migrants provided safe haven in the Canal Zone, Panama. At this point there is every indication that CRS will still have a major role in the operation of the Safe Haven at Guantanamo as well as responsibility for resettlement of up to 8,000 Cubans from Guantanamo to the United States in FY 1996.

Community Relations Service
Salaries and Expenses
Priority Ranking
Fiscal Year 1993

Program	Base Program	Ranking
Conflict Prevention and Resolution (CPR)		1
Program Operations and Care of		2
Reception, Processing and Care of		3
Cubans and Haitians (CHCP)		
Management and Administration		

Legal Activities
Salaries and Expenses, Community Relations Service
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Appropriation Anticipated	1996 Change Streamlining	1996 Total
Attorneys (905).....	1	1	...	1
Regional Directors (340).....	10	10	...	10
Senior Conciliation Specialists (301).....	10	10	...	10
Conciliation Specialists (301).....	42	45	...	45
Management/Program Analysts (343).....	13	12	...	12
Program Specialists (301).....	15	13	...	13
Accounting and Budget (500-599).....	3	3	...	3
General Admin., Clerical and Office Services (300-399).....	35	32	-3	29
Total.....	119	116	-3	113
Washington.....	34	28	-1	27
U. S. Field*	85	88	-2	86
Total	119	116	-3	113

*Includes 7 Program Operations staff located in Washington, D.C.

Legal Activities
Salaries and expenses, Community Relations Service
Summary of Changes

	Perm. FOML	Work- Years	Amount
1995 as enacted.....	116	117	\$20,379
Adjustments to base:			
Streamlining Reduction.....	-3	-3	-120
Mandatory increases:			
One Additional Compensatory Day.....	...	...	34
1996 pay raise.....	...	...	142
Within-grade increases.....	...	...	170
Health benefits.....	...	...	95
\$80 supplemental retirement contribution.....	...	...	10
Unemployment Compensation.....	...	...	8
Postal Rate Increase.....	...	...	28
General pricing level adjustments.....	...	...	6
Total, mandatory increases.....	-11	-11	-47
Decreases:			
Recruitment Reform.....	...	...	-7
FERS Contributions Reduction.....	...	...	-7
FTR 2000 Savings.....	-113	-114	-30
1996 Base.....	113	114	20,695
1996 Estimate.....	113	114	20,695

Legal Activities
Salaries and expenses, Community Relations Service
Justification of Adjustments to Base
(Dollars in thousands)

	Perm. Pos.	NY	Amount
Streamlining:			
1. Streamlining Reduction:.....	-3	-3	-\$120
CRS will attempt to realize its streamlining goals through attrition. CRS' average attrition rate of 3 percent yields slightly over 3 positions per year.			

CRS is already well on the way of meeting the Administration's goal of cutting the number of management and administrative positions in half. The headquarters freeze, reprogramming of certain functions, limitations on the backfilling of vacated supervisory positions, and contracting out certain highly technical automated data processing functions, such as programming and local area network design and implementation, have all supported this effort.

Other administrative efficiencies are contemplated as a result of upgrades to the CRS case tracking system and new automated administrative tracking systems. CRS also intends to explore the use of outside providers, either contracted, on a reimbursable, or other basis, to respond to its limited unmet needs for evaluation, or for other occasional technical and management support needs.

Mandatory increases:

1. One additional compensable day..... 34
 The annual salary rate for Federal employees is based on 260 paid days. 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$24,000 for pay and \$10,000 for benefits).

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Perm. Pos.	NY	Amount
2. <u>1996 pay raise</u> This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$142,000 represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$102,000 pay and \$40,000 benefits = \$142,000).	142
3. <u>Annualization and increase of 1995 pay raise</u> This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$122,000 for pay and \$48,000 for benefits).	170
4. <u>Within-grade increase</u> This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$68,000 for pay and \$27,000 for benefits.	95
5. <u>Health benefits</u> The Federal Employees Health Benefits Act (P.L. 91-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$10,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	10
6. <u>\$80 supplemental retirement contributions</u> For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$8,000 provides for this contribution.	8

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Perm. Pos.	NY	Amount
7. Unemployment compensation..... This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees unemployment compensation. An increase of \$28,000 is required to meet our commitment to DOL.	28
8. Postal rate increase..... The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$6,000 is requested in 1996 to cover this rate adjustment.	6
8. General pricing level adjustments..... This request applies OMB pricing guidance as of June 6, 1994, to selected expenses categories. The increased costs identified result from applying a factor of 3.0 percent against those subject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	47
Total mandatory increases.....	540

Decreases:

1. Federal Employees Retirement System (FERS)..... Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease is \$7,000.	-7
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Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Perm. Fol.	NY	Amount
2. ETS 2000.....	...	...	-90
This decrease reflects ETS 2000 data compiled by the General Service Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$90,000.			
3. Procurement Savings.....	...	...	-7
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increase efficiencies in the Federal procurement system. The 1996 decrease is \$7,000.			
Total decreases .....	...	...	-104
Total, adjustments to base.....	-3	-3	316

Legal Activities Salaries and Expenses - Community Relations Service Summary of Requirements by Grade and Object Class (Dollars in thousands)									
	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease		
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
Grades and salary ranges									
Executive Level IV, \$117,160.....	1		1		1				
ES-5, \$117,927.....	1		1		1				
GS/15, \$71,664-93,166.....	23		21		21				
GS/14, \$60,925-79,200.....	31		28		27				
GS/13, \$51,557-67,021.....	25		21		20				
GS/12, \$43,356-56,362.....	7		7		6				
GS-11, \$36,174-47,025.....	10		17		17				
GS-11, \$29,898-38,869.....	12		10		10				
GS-9, \$27,068-35,185.....	5		6		6				
GS-8, \$24,441-31,770.....	2		2		2				
GS-6, \$21,595-28,592.....	1		1		1				
GS-5, \$19,732-25,656.....	1		1		1				
Locality pay.....				\$363					
1995 pay raise.....									
Total, appropriated positions.....	119	\$7,095	116	\$7,291	113	7,335			
Pay above stated annual rates.....		26				24			
Lapses.....	-6	-408	-7	-325	-3	-268			
Savings due to lower pay scales for part of year.....		-91		-122		-34			
Net full-time permanent.....	113	6,622	109	6,844	110	7,057			
Other than permanent.....									
Temporary Employment.....	10	322	8	1,703	4	160			
Other Part-time and intermittent employment.....		10		53		5			
Other personnel compensation:									
Overtime.....	2	535	2	1,800	2	35			
Other compensation.....				354		118			
Special personal services payments.....		183							
Total workyears and personnel compensation.....	125	7,672	119	10,754	116	7,375			
Average ES Salary.....		\$103,727		\$103,727		\$103,727			
Average GS/GM Salary.....		\$61,222		\$61,658		\$63,299			
Average GS/GM Grade.....		12.4		12.2		12.2			

Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease Positions & Workyears Amount
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	
11.1 Full-time permanent.....	113	\$6,622	109	\$6,844	110	\$7,057	1 \$213
11.3 Other than full-time permanent.....	10	332	8	1,756	4	165	-4 -1,591
11.5 Other personnel compensation.....	2	535	2	2,154	2	153	... -2,001
11.8 Special personal services payments.....	183						
Total.....	125	7,672	119	10,754	116	7,375	-3 -3,379
12.0 Personnel benefits.....	1,566		1,479		1,293		-186
13.0 Benefits, former personnel.....	98		31		28		-3
21.0 Travel and transportation of persons.....	872		2,883		906		-1,977
22.0 Transportation of things.....	34		71		67		-4
23.1 GSA rent.....	1,119		1,324		1,354		30
23.2 Rental payments to others.....	21		60		43		-17
23.3 Communications, utilities, and miscellaneous charges.....	389		520		545		25
24.0 Printing and reproduction.....	6		30		25		-5
25.1 Advisory and Assistance Service.....	125		1,164		477		-687
25.2 Other services.....	5,771		1,164		477		-687
25.3 Purchases of goods from Gov. accts.....	...		...		...		...
26.0 Supplies and materials.....	200		249		117		-132
31.0 Equipment.....	148		185		56		-129
41.0 Grants, subsidies, and contributions.....	7,984		9,392		8,409		-983
Total obligations.....	125	25,605	119	28,142	116	20,695	-3 -7,447
Financing adjustments:							
Unobligated balance, start-of-year.....		4,851		-7,763		...	...
Unobligated balance, end-of-year.....		7,763		...		...	...
Unobligated balance lapsing.....		189		...		...	...
Total requirements.....		28,706		20,379		20,695	
Relation of obligations to outlays:							
Total obligations.....		25,605		28,142		20,695	
Obligated balance, start-of-year.....		3,216		-4,147		3,599	
Obligated balance, end-of-year.....		4,147		-3,599		-4,303	
Adjustments in expired accounts.....		-213					
Outlays.....		32,755		20,396		19,991	

Department of Justice

Independent Counsel

Summary Statement

Fiscal Year 1996

In the 1988 Appropriations Act, Congress established a permanent indefinite appropriation to fund the expenses of Independent Counsel investigations and prosecutions. Under this appropriation, all necessary costs and expenses incurred in the pursuit of these investigations will be funded from amounts available in the Treasury.

Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for on-going investigations. In June, 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law.

Legal Activities
Independent Counsel, Permanent Indefinite Appropriation
Summary of Requirements
(In thousands of dollars)

<u>Adjustments to base</u>	<u>1994</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>Amount</u>
	<u>Enacted</u>	<u>Actual</u>	<u>Enacted</u>	<u>Estimate</u>	
1995 as enacted.....	\$10,500	\$10,305	\$4,000	\$2,884	\$4,000
Decrease					(1,116)
1996 base.....					2,884
<u>Estimates by budget activity</u>					
Independent Counsel.....					
					Increase/
					Decrease
					...

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Legal Activities

Independent Counsel.. Permanent Indefinite Appropriation

Justification of Program and Performance

Activity Resource Summary
(In thousands of dollars)

	<u>1995 Enacted</u>	<u>1996 Base</u>	<u>1996 Estimate</u>	<u>Increase/Decrease</u>
Independent Counsel.....	\$4,000	\$2,884	\$2,884	...

LONG-RANGE GOAL: To implement the provisions of the Ethics in Government Act of 1978 (28 U.S.C. 591 et. seq., as amended), pertaining to the appointment and functions of the various Independent Counsel.

MAJOR OBJECTIVES:

To investigate allegations of misconduct by high-level officials of the Executive branch whenever a preliminary investigation by the Attorney General results in an application for appointment of an Independent Counsel.

To conduct proceedings before grand juries and other investigations.

To review all documentary evidence from any source.

To initiate and conduct prosecutions in any court of competent jurisdiction, including the framing and signing of indictments, the filing of information, and the handling of all aspects of cases.

BASE PROGRAM DESCRIPTION: Independent Counsel investigations were authorized by Congress in the 1978 Ethics in Government Act. The authorization expired December 15, 1992, five years after the enactment of the Independent Counsel Reauthorization Act of 1987. However, the provisions of the chapter remained in effect for ongoing investigations. In June, 1994, the Independent Counsel Reauthorization Act of 1994 was signed into law.

In order to facilitate functioning of these counsel and maintain their independence from the Department of Justice, a working arrangement was implemented in 1986 between the Administrative Office of the U.S. Courts (AUSC) and the Department of Justice for the administrative support of Independent Counsel investigations. In a letter of agreement between the Department and AUSC, the Department was responsible for funding the appropriate costs of any Independent Counsel, while AUSC was responsible for the disbursement and accounting of such funding. The Independent Counsel Reauthorization Act of 1994 directs AUSC to provide administrative support and guidance to each Independent Counsel.

The Department provides funding periodically to AUSC. This funding is available to pay the appropriate costs of any active Independent Counsel. The various counsel, through their administrative officers, provide the Department with information regarding projected requirements for funding. Under P.L. 100-202, an Act making further continuing appropriations for 1988, a permanent indefinite appropriation was established. This authorization is included within the General Legal Activities appropriation language (101 Stat. 1329-9). All necessary funding is to be provided from general funds in the Treasury on an as needed basis. The Congress has directed the Comptroller General to conduct semiannual financial audits.

ACCOMPLISHMENTS AND WORKLOAD: Since the enactment of the Ethics in Government Act of 1978, there have been thirteen Independent Counsel (or special prosecutors as they were known until 1983). The first counsel, Arthur Christy was appointed in 1980 to probe allegations that Hamilton Jordan, President Carter's Chief-of-Staff, had used illegal drugs. A special grand jury found insufficient evidence to prosecute Jordan. The second counsel, Gerald Gallinhouse, was appointed shortly thereafter to investigate similar allegations against Tim Kraft, another of President Carter's advisors. The counsel found no basis for prosecuting Kraft. Secretary of Labor Raymond J. Donovan was investigated in 1982 and again in 1985 concerning allegations that there were improper business relationships between his firm, Schiavone Construction Co., and certain organized crime figures. The counsel in these cases was Leon Silverman, and there was no prosecution either time. Subsequent to Attorney General Meese's nomination in 1984, Independent Counsel Jacob Stein was appointed to investigate charges of impropriety involving financial transactions and appointments of several business associates to federal jobs. Independent Counsel James McKay performed a second Meese investigation. The reports of the Independent Counsel in these cases cleared Mr. Meese of these allegations. Independent Counsel Harper investigated an unidentified individual for alleged willful failure to file an income tax return. There are no details on the outcome of the case.

Former Assistant Attorney General Theodore B. Olson was investigated in 1986 concerning allegations that he gave false testimony to Congress in 1983 about the administration's withholding of

Environmental Protection Agency documents. The counsel in this case, Alexia Morrison, found no basis for an indictment. Whitney Seymour, Jr. was appointed in 1986 to investigate allegations that Michael Deaver, a former White House aide, violated federal conflict-of-interest laws in representing clients after resigning from the White House and setting up a consulting firm. Deaver was convicted and received a sentence of community service and a fine. In 1987, James McKay was appointed to investigate whether Franklin Nofzinger violated any federal criminal laws by his activities on behalf of Welbilt Electronic Die Corporation (Wedtech Corporation). Nofzinger was convicted in the District Court. However, this conviction was overturned in the Court of Appeals, which held the statute unconstitutionally vague. The Independent Counsel filed a petition for an en banc rehearing. The Supreme Court refused the Independent Counsel's request to hear an appeal. In 1989, an unknown Independent Counsel was appointed under a sealed investigation. A second sealed investigation that began in 1991 was completed in 1992. In 1987, Lawrence Walsh was appointed to investigate the secret sale of weapons to Iran and the diversion of profits to assist U.S.-backed Nicaraguan rebels. The investigation was completed in 1993. Five cases ended in sentences, three cases were overturned or dismissed, and six cases ended in pardons.

There are currently four public Independent Counsel investigations. In March 1990, Arlin Adams was appointed to investigate whether Samuel Pierce, former Secretary of the Department of Housing and Urban Development (HUD), and other officials of HUD committed conspiracy to defraud the U.S. or any other crimes relating to HUD programs. The major investigative phase of this probe has been completed. There have been sixteen convictions following trials or guilty pleas, and more than \$2 million in criminal fines have been secured in this investigation. In December 1992, Joseph DiGenova was appointed to investigate whether White House officials violated the law and covered up their knowledge of the pre-election search of President Clinton's passport files. This investigation is complete and the final report is being prepared. There were no indictments in this investigation.

Also, in January 1994, Robert Fiske, Jr. was appointed as Special Counsel to investigate whether any individuals or entities have committed a violation of any federal criminal law relating in any way to President Clinton's or Mrs. Clinton's relationships with Madison Guaranty Savings & Loan Association, Whitewater Development Corporation, or Capital Management Services. The Department's General Counsel opined that costs for the Special Counsel may be paid through the Independent Counsel appropriation. Mr. Fiske's investigation ended on August 5, 1994 when the Special Division appointed Kenneth Starr as Independent Counsel for the investigation. In September, 1994, Donald Smaltz was appointed to investigate whether Agriculture Secretary Mike Espy violated federal laws by accepting gifts from regulated companies. Cost estimates are under development for the two recently appointed Counsel.

Department of Justice
Civil Liberties Public Education Fund
Estimates for Fiscal Year 1996
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Legal Activities

Civil Liberties Public Education Fund

Summary Statement

Fiscal Year 1996

This fund is used for two purposes: to make redress payments of \$20,000 each to Japanese-Americans who were interned, evacuated, or relocated during World War II; and to fund educational activities about the internment and evacuation to prevent the recurrence of any similar event. Both activities are authorized by the Civil Liberties Act of 1988. In 1996, \$5 million is requested for the education component of the Bill.

The redress provisions of the Act are administered by the Civil Rights Division. The General Services Administration (GSA) will be providing support for the educational activities, which will be administered by a nine member board to be appointed by the President.

To date, \$1,590,300 has been dispensed to eligible individuals for the redress provisions of the Act, representing 79,515 cases. No additional resources have been provided in the 1995 budget or have been requested in the 1996 budget for redress payments.

Legal Activities

Civil Liberties Public Education Fund

Justification of Proposed Changes in Appropriation Language

The 1995 budget estimates include proposed changes in the appropriation language listed below.

Civil Liberties Public Education Fund

~~For research contracts and public education activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians, pursuant to section 1081b) of the Civil Liberties Act of 1988 (Public Law 100-351), \$5,000,000.~~

Explanation of changes

This language is intended to provide funding for public education activities related to the internment of Japanese-Americans and also to cover reasonable administrative expenses of the Board, including expenses as follows:

- (1) members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board;
- (2) the Board may appoint and fix the pay of such additional staff as it may require; and
- (3) administrative support services as required.

Legal Activities

Civil Liberties Public Education Fund

Crosswalk of 1995 Changes

(Dollars in thousands)

Activity/Program	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Reprogrammings		1995 As Enacted	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Civil Liberties Public Education Fund.....	...	\$5,000	...	...	...	...	...	\$5,000
Total.....	...	5,000	...	...	...	...	...	\$5,000

Legal Activities

Civil Liberties Public Education Fund

Summary of Requirements

(Dollars in thousands)

	1994 As Enacted		1994 Actual		1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease		Pers. Work- Pos. years Account
	Pers.	NY Account	Pers.	NY Account	Pers.	NY Account	Pers.	NY Account	Pers.	NY Account	Pers.	NY Account	
Adjustments to Base:													
1995 as Enacted	...	\$100,000	...	\$98,369	...	\$5,000	...	\$5,000	...	\$5,000	...	\$5,000	...
1996 Base	...	\$100,000	...	\$98,369	...	\$5,000	...	\$5,000	...	\$5,000	...	\$5,000	...
Estimates by budget activity													
Civil Liberties: Public													
Education Fund													
Total	...	\$100,000	...	\$98,369	...	\$5,000	...	\$5,000	...	\$5,000	...	\$5,000	...

Legal Activities
Civil Liberties Public Education Fund
 Summary of Resources by Program
 (Dollars in thousands)

	1974 As Enacted		1974 Actual		1975 Appropriation Enacted		1976 Base		1976 Estimate		Increase/Decrease	
	Pera.	Pos. Wt. Request	Pera.	Pos. Wt. Request	Pera.	Pos. Wt. Request	Pera.	Pos. Wt. Request	Pera.	Pos. Wt. Request	Pera.	Pos. Wt. Request
Estimates by budget activity												
Civil Liberties Public Education Fund.....	...	\$100,000	...	\$98,340	...	\$95,000	...	\$95,000	...	\$95,000	...	...
Total.....	...	100,000	...	98,340	...	95,000	...	95,000	...	95,000	...	...

Legal Activities
Justification of Program and Performance
Civil Liberties Public Education Fund
Activity Resource Summary
(Dollars in thousands)

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Activity:								
Civil liberties public education fund.....	...	\$5,000	...	\$5,000	...	\$5,000	...	...

LONG-RANGE GOAL: To provide payments to eligible individuals of Japanese ancestry who were evacuated, relocated or interned in the United States during World War II as outlined by the Civil Liberties Act of 1988 and the Civil Liberties Act Amendments of 1992.

MAJOR OBJECTIVE:

To provide funds for payments to individuals identified as eligible under the provisions of the Civil Liberties Act of 1988 and the Civil Liberties Act Amendments of 1992.

BASE PROGRAM DESCRIPTION: The Civil Liberties Act of 1988 authorizes the appropriation of funds to establish a fund in the Treasury of the United States. Public Law 101-161, enacted November 21, 1989, classified the fund as an entitlement program. The Civil Liberties Act of 1992 authorized an additional \$400 million, providing a total funding level of \$1.65 billion. Funds are available until expended.

ACCOMPLISHMENTS:

To date, 79,515 cases have been disbursed to eligible individuals. In 1994, OBA reduced the number of unknown individuals from 12,100 to under 5,000. OBA completed its review of three major evacuation areas in Hawaii during 1994, along with some smaller areas and found about 330 Hawaii cases eligible for redress and about 250 cases ineligible. The remaining 200 Hawaii cases will be completed in 1995. Also, in 1994 OBA reviewed and reconsidered approximately 100 Arizona cases under a new standard of eligibility.

Department of Justice

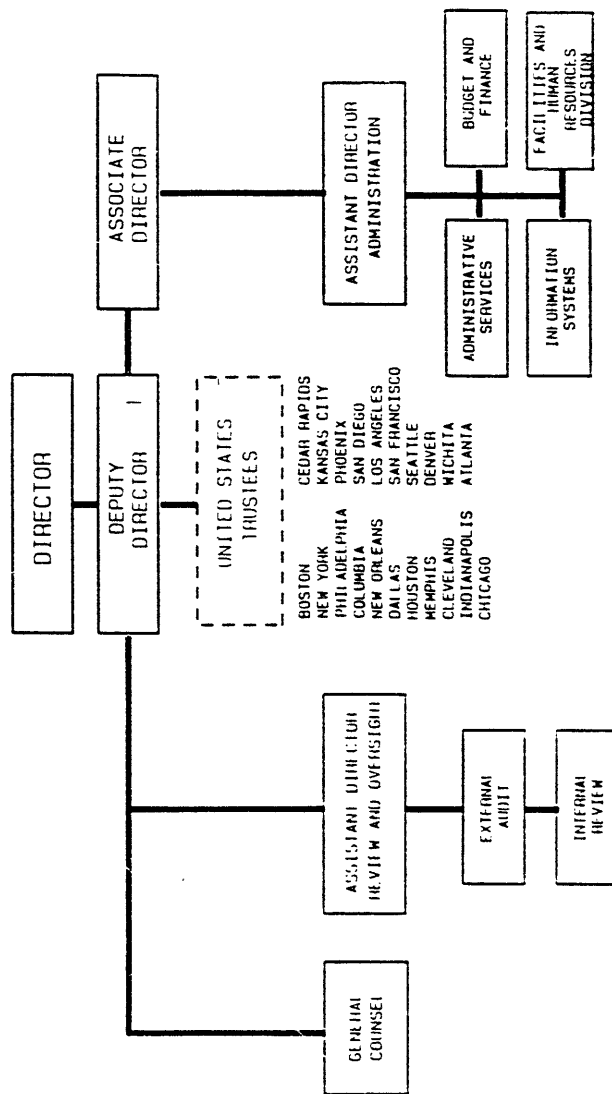
United States Trustee System Fund

Estimates for Fiscal Year 1996

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EXECUTIVE OFFICE FOR UNITED STATES TRUSTEES



Approved: *Janet Reno* Date: 4/23/94
 JANET RENO
 Attorney General

United States Trustee System Fund
Salaries and Expenses
Summary Statement
Fiscal Year 1996

The United States Trustee System Fund ("the Fund") requests a total of 1,199 permanent positions (including 232 attorneys), 1,118 workyears, and \$109,245,000 for 1996. The request includes 799 positions (142 attorneys), 761 workyears, and \$65,054,000 in direct authority and 400 positions (90 attorneys), 357 workyears and \$44,191,000 in offsetting collections.

The 1996 request represents a net increase of 55 positions (20 attorneys), 28 workyears and \$2,172,000 over the Program's 1995 base funding level. The increase is funded entirely through offsetting collections. No increase in the direct appropriation for the Program is requested.

PROGRAM MISSION: The United States Trustee Program acts in the public interest to promote the efficiency and to protect and preserve the integrity of the bankruptcy system. It works to secure the just, speedy, and economical resolution of bankruptcy cases; monitors the conduct of parties and takes action to ensure compliance with applicable laws and procedures; identifies and investigates bankruptcy fraud and abuse; and oversees administrative functions in bankruptcy cases.

The Program carries out its mission through two basic areas of responsibility. The first is the non-discretionary tasks of providing administrative support to expeditiously move the tremendous volume of bankruptcy cases through the bankruptcy process. The second focuses on ensuring that private trustees and debtors adhere to the standards of the law, while policing for embezzlements and other improper conduct.

HISTORICAL PERSPECTIVE: The Bankruptcy Reform Act of 1978 established the United States Trustee Program on a pilot basis in 18 Federal judicial districts. In 1986, the Congress enacted the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554) expanding the United States Trustee Program to 88 Federal judicial districts. The major thrust of these nationwide reforms was to separate the adjudicative and administrative functions in bankruptcy cases, relieving the courts of the administrative burdens of the system. Congress established one agency with responsibility for the administration of bankruptcy estates and, as stated in the House Report at the time of passage of the Bankruptcy Reform Act of 1978, to "serve as bankruptcy watchdogs to prevent fraud, dishonesty, and overreaching in the bankruptcy arena" (H. Rpt. 895, 95th Cong., 1st sess. (1977)). With the enactment of the Bankruptcy Reform Act of 1994 (P.L. 103-394), Congress strengthened the criminal penalties for fraud in the bankruptcy system.

The Program has expended substantial efforts to create structures of accountability with regard to private trustees appointed to administer bankruptcy estates and with regard to debtors. Despite these efforts, both the Office of Management and Budget (OMB) and the Department of Justice Inspector General have recognized the need to increase supervision in the area of trustee oversight. Judges also cite the need to police debtors-in-possession in chapter 11 reorganization cases in the large number of those cases without active creditor interest. Moreover, the Congress has continued to stress the need for enhanced oversight, specifically as it relates to the Program's fundamental obligation to review the applications for fees of trustees and professionals and to ensure that they are appropriate and proper. The demand that trustees and professionals perform services for the bankruptcy estate that do not unnecessarily drain its assets is rooted in public policy and is a foundation of the law.

Bankruptcy is a public process. The perception that self-interest is pursued to the detriment of a fair and efficient resolution process has a legitimate premise. Whether it be private trustees who betray their fiduciary duties, debtors who ignore their statutory obligations, or professionals who pursue primarily only their own financial reward, the number of such incidents is significant. Any government process is ultimately dependent upon public confidence. The challenges the Program faces require additional effort to maintain and support the trust the law intends.

1996 INITIATIVE. For 1996, the Program requests an increase of 55 positions (20 attorneys), 28 workyears and \$3,321,000 in offsetting collections to allow the Program to strengthen its chapter 11 case supervision and post confirmation oversight. The resources for the Program's chapter 11 responsibilities have been severely strained as existing resources were redirected to the high risk area of trustee mismanagement and debtor fraud. Yet, the chapter 11 reorganization case responsibilities are critical if the Program is to achieve its goal of maximizing the distribution of estate assets to creditors.

The public's apparent dissatisfaction with the high cost of bankruptcy threatens the continued viability of the entire bankruptcy system. It is essential that the Program provide the regulatory oversight necessary to bring cases to a faster resolution and that debtors with court confirmed reorganization plans fulfill their obligation to successfully implement those plans. The Program's ability to perform these responsibilities is aggravated by the time-consuming nature of the tasks and staffing shortages. The requested increase will address the need to provide greater chapter 11 case supervision, ensuring that chapter 11 debtors carry out the promises they have made to creditors and the bankruptcy court in exchange for the privilege of a reorganization and fresh financial start. The additional resources requested in 1996 will expedite the chapter 11 caseload and facilitate the return of estate funds back into the economy.

PROGRAM DECREASES: The 1996 request includes a program decrease of \$1,149,000 in direct authority associated with the requirement that the 1996 cost-of-living allowance be absorbed. These reductions will be achieved through careful management of personnel resources and through reductions in non-personnel expenditures such as travel and transportation, printing, other services, supplies and equipment.

U.S. TRUSTEE SYSTEM FUND: The self-funding characteristic of the United States Trustee Program was a feature of Public Law 99-554 enacted on October 27, 1986. Two categories of fees generate almost all of the revenue for the United States Trustee System Fund. The first category is the filing fee paid at the inception of each case for chapters 7, 11, 12 and 13, which constitutes approximately 30 percent of the Program's funding. The second category, responsible for over 65 percent of Program funding, is the quarterly fees paid by chapter 11 debtors for which the amounts paid are determined by cash disbursement levels of the debtor.

Payment of excess percentage fees collected by chapter 12 or 13 standing trustees and interest on invested funds also generate revenue for the Fund. Revenue in the Fund that is not needed for current expenses is invested in Treasury securities, and the income so earned accrues to the Fund. This investment income, thus, increases the Fund's revenue and minimizes the financial burden on the users of the system.

The 1992 Appropriations Act ("the 1992 Act") amended the fee structure relative to chapter 11 bankruptcy cases, by increasing both the filing fees paid by debtors at the inception of the case, as well as the fee paid on a quarterly basis. The increased amounts paid by chapter 11 debtors are deposited in the Fund as offsetting collections. The 1992 Act established the authority to use the revenues generated from the increased fees to provide additional resources to support the Program. The offsetting collections funding provided an overall increase in necessary resources for the Program, while permitting a reduction in the 1992 direct appropriation. The increased chapter 11 fees generated \$25,954,000 in 1992, \$34,070,000 in 1993, but declined to \$28,495,000 in 1994 as a result of a decline in the number of chapter 11 filings.

The intent of Congress in establishing the Fund was that user fees would completely finance the United States Trustee Program and not be used as a mechanism to generate revenues for the United States Treasury. However, section 589a of title 28 United States Code, provides that revenues in the Fund will transfer to the general treasury if the Fund exceeds a percentage of the Program's appropriation. On November 1, 1990, \$6,398,000 was required to be transferred from the Fund to the general fund of the Treasury; on November 1, 1992, a transfer of \$24,470,000 was required, and on November 1, 1993, the Program was required to transfer \$15,287,000. No transfer was required in November 1994.

USER FEE PROPOSAL: The Program is proposing to fund its chapter 11 case supervision/post confirmation initiative through a proposed change in the law which would require chapter 11 debtors to continue to make quarterly payments based on disbursements while in the post confirmation stage until a case is converted or dismissed. Currently, such payments are made only until a plan of confirmation is confirmed by the bankruptcy court, making post confirmation debtors the only entities in the bankruptcy system who are exempt from fees. The change in the statute is estimated to raise an additional \$18.2 million, which would fund the proposed enhancement and meet a projected shortfall in offsetting collections resulting from the decline in chapter 11 filings over the last 18 months.

It should be noted that while bankruptcy filings have decreased, that decrease has been relatively recent. Bankruptcy cases with assets to administer often take two to three years, or more, to run their course. Accordingly, while new case filings may be down, the pending caseload still in process remains substantial and requires ongoing attention. As a result, Program responsibilities in the administration of cases have not been significantly affected by the decline in filings. Moreover, the Program is strengthening its efforts to combat fraud, and there are new duties imposed by recent statutory amendments. Bankruptcy Fraud Task Forces are continuing to be formed in the regions to increase cooperation between the Program and other appropriate investigative and enforcement agencies such as the Federal Bureau of Investigation, the Internal Revenue Service and the Offices of the United States Attorneys.

These efforts continue to produce results. Criminal referrals grew by 26 percent from 1993-1994 and convictions are increasingly significant. For example --

- The Bankruptcy Fraud Task Force and the United States Trustee's Office in Chicago (Region 11) recently reported the return of 5 separate indictments charging 8 individuals with bankruptcy fraud and related charges. Four of the five task force indictments resulted from referrals by the United States Trustee's Office.
- In Philadelphia (Region 3), a debtor was indicted on 344 counts of bankruptcy fraud, false statements, bank fraud, money laundering, perjury and aiding and abetting. The debtor, charged with diverting more than half a million dollars in bankruptcy estate funds to his personal use, was the principal of more than 30 real estate partnerships that filed for bankruptcy. The debtor in this case pleaded guilty to charges of bankruptcy fraud, money laundering, bank fraud and perjury.
- In Region 16, the owner of the Los Angeles Kings hockey team pleaded guilty of four counts of criminal fraud after he sold a portion of his interest in the hockey team for \$60 million prior to filing bankruptcy and formed a trust which allowed the continued control of assets as if the bankruptcy was non-existent.

The 1996 budget request and the proposed change in the language affecting the payment of quarterly fees will help to ensure that sufficient resources are available to continue the successful efforts to preserve the integrity of the bankruptcy system.

United States Trustee System Fund

Justification of Proposed Changes in Appropriation Language

The 1995 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

United States Trustee System Fund

For the necessary expenses of the United States Trustee Program, [\$103,190,000] 1995 \$103,245,000
 as authorized by 28 U.S.C. 589a(a), to remain available until expended,
 for activities authorized by section 115 of the Bankruptcy Judges, United States
 Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99-554),
 of which [\$62,593,000] shall be derived from the United States Trustee
 System Fund: Provided, That deposits to the Fund are available in such
 amounts as may be necessary to pay refunds due depositors:
 Provided further, That, notwithstanding any other provision of law,
 not to exceed [\$40,597,000] of offsetting collections derived from fees
 collected pursuant to section 589a(f) of title 28, United States Code, as
 amended [by section 111 of Public Law 102-140 (105 Stat. 795)], shall be retained
 and used for necessary expenses in this appropriation: Provided further,
 That the [\$103,190,000] herein appropriated shall be reduced as such offsetting
 collections are received during fiscal year [1995], so as to result in a
 final fiscal year [1995] appropriation estimated at not more than 1995
 [\$62,593,000]. 1995 \$109,245,000
 [Provided further, That any of the aforementioned fees
 collected in excess of [\$40,597,000] in fiscal year [1995] shall
 remain available until expended, but shall not be available for
 obligation until October 1, [1995].] 1995 \$44,191,000
 the offsetting collections credited to this account, \$218,000
 are permanently canceled]. 1995 \$65,054,000

[12 U.S.C. 1904b] Public Law 102-317, the Department of Justice and Related Agencies Appropriations Act, 1992

Explanation of changes

Language related to the one-time reduction for GSA rent is deleted.

United States Trustee System Fund
Salaries and expenses
Crosswalk of 1995 changes
(Dollars in thousands)

Activity/Program	Congressional				Procurement				1995			
	Appropriation				Adjustments				Availability			
	1995 President's		1995 Request		Pos.		WY Amt.		Pos.		WY Amt.	
	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.	Pos.	WY Amt.
Direct Authority:												
1. Administration of Cases.....	747	711 \$56,016	...	...	...	...	...	...	...	...	747	711 \$55,040
2. Management and Administration.....	52	50 6,517	...	...	...	...	...	...	...	...	52	50 6,045
Total.....	799	761 65,963	...	...	...	...	...	...	...	...	799	761 62,585
Offsetting Collections:												
1. Administration of Cases.....	361	328 \$36,644	(16)	(9)	...	...	...	...	...	...	343	319 \$38,420
2. Management and Administration.....	2	2 1,953	...	...	...	...	...	...	...	...	2	2 1,928
Total.....	363	330 40,567	(16)	(9)	...	...	...	...	...	...	345	321 40,348
Total Authority:												
1. Administration of Cases.....	1,108	1,039 \$97,060	(16)	(9)	...	...	...	...	...	...	1,090	1,030 \$94,360
2. Management and Administration.....	54	52 8,000	...	...	...	...	...	...	...	...	54	52 8,574
Total.....	1,162	1,091 105,260	(16)	(9)	...	...	...	...	...	...	1,144	1,082 102,934

United States Trustee System Fund
Salaries and Expenses
Summary of Requirements
(Dollars in thousands)

	1995 Availability		1995 Base		1995 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Adjustments to base:								
1995 enacted.....	1,144	1,082	1,082	\$103,190	1,144	1,082	1,082	\$103,190
Procurement and Rent Adjustments.....	...	...	...	...	...	...	...	(255)
1995 availability.....	1,144	1,082	1,082	102,934	1,144	1,082	1,082	102,934
Mandatory Increases.....	...	...	...	...	...	...	...	8
Decreases (automatic, non-policy).....	...	...	...	...	...	...	...	4,899
1995 base.....	1,144	1,082	1,082	107,073	1,144	1,082	1,082	107,073
Program charges (see program narrative for details).....	55	28	55	28	55	28	55	28
1995 estimate.....	1,199	1,118	1,118	109,245	1,199	1,118	1,118	109,245
Estimates by budget activity:								
Direct Authority:								
1. Administration of Cases.....	747	711	711	\$59,197	747	711	711	\$59,197
2. Management and Administration.....	52	50	50	7,006	52	50	50	\$8,892
Total.....	799	761	761	66,203	799	761	761	68,089
Offsetting Collections:								
1. Administration of Cases.....	343	319	319	\$38,942	343	319	319	\$38,942
2. Management and Administration.....	2	2	2	1,928	2	2	2	1,928
Total.....	345	321	321	40,870	345	321	321	40,870
Total Authority:								
1. Administration of Cases.....	1,090	1,030	1,030	\$98,139	1,090	1,030	1,030	\$98,139
2. Management and Administration.....	54	52	52	8,934	54	52	52	10,910
Total.....	1,144	1,082	1,082	107,073	1,144	1,082	1,082	109,049

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United States Trustee System Fund

Salaries and Expenses

Justification of Program and Performance

Activity Resource Summary

(Dollars in thousands)

Activity: Administration of Cases

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Direct Appropriation....	799	761,862,586	799	761,866,203	799	761,865,054	...	...
Offsetting Collections..	345	321,40,348	345	329,40,870	400	357,44,191	55	28
Total.....	1,144	1,082,102,934	1,144	1,090,107,073	1,199	1,118,109,245	55	28

The Administration of Cases budget activity provides resources for the primary mission of the United States Trustee Program, safeguarding and strengthening the integrity of the Nation's bankruptcy system. Funds requested for the Administration of Cases support personnel in 21 regions and 93 district offices throughout the country.

LONG-RANGE GOALS: In creating the United States Trustee Program, Congress established one agency with responsibility for the administration of bankruptcy estates. Within this broad responsibility, the primary goals of the Program are:

- To assure that bankruptcy cases are administered expeditiously and that all parties comply with their legal obligations.
- To assure that an appropriate number of qualified individuals are fairly and impartially recruited and appointed to serve as private trustees.
- To assure that private trustees adhere to strict fiduciary standards and act to maximize distribution of assets to creditors.
- To assure that private trustees are subject to close supervision through consistent national standards and policies.
- To assure that private trustees comply with Program requirements through training, reporting requirements, financial audits, evaluations and investigations.
- To assure that violations of applicable criminal laws are referred to law enforcement and regulatory agencies.
- To assure that the cost of the administration of bankruptcy cases is adequately monitored so that it is economical and expeditious, that assets not be dissipated and distributions maximized.

BASE PROGRAM DESCRIPTION: The Bankruptcy Reform Act of 1978 established the United States Trustee Program on a pilot basis in 18 Federal judicial districts. With the enactment of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986 (P.L. 99-554), the United States Trustee Program was expanded nationwide to 88 Federal judicial districts. The six judicial districts of North Carolina and Alabama have been exempted from the Program until the year 2002.

The major thrust of these nationwide reforms was to separate the adjudicative and administrative functions in bankruptcy cases. Congress created one agency with responsibility for the administration of bankruptcy estates and to serve as a "watchdog" over the entire bankruptcy process. The Program completed its nationwide expansion in 1989 under the transitional provisions of the 1986 Act. Currently, the Program operates 93 United States Trustee offices nationwide which are responsible for the oversight of over one million pending bankruptcy cases.

The bankruptcy process, both historically and presently, is largely entrusted to private individuals. Whether a chapter 7 (liquidation) case, where assets, if any, are distributed to creditors; a chapter 11 (reorganization) case, where a debtor seeks to restructure its financial affairs; or a chapter 12 (family farmer) or chapter 13 (wage earner) case, where debtors seek to repay their debts, the individual directly responsible for the administration of a particular case is appointed by the United States Trustee, except in the case of chapter 11 where the debtor remains in possession. The United States Trustee supervises the conduct of these private trustees and debtors and generally ensures that the interests of the parties are not abridged during the pendency of the cases.

The mission of the Program is to act in the public interest to promote the efficiency and to protect and preserve the integrity of the bankruptcy system. It works to secure the just, speedy, and economical resolution of bankruptcy cases; monitor the conduct of parties and takes action to ensure compliance with applicable laws and procedures; identifies and investigates bankruptcy fraud and abuse; and oversees administrative functions in bankruptcy cases.

A primary goal of the Program is to bring expeditious reality to the opportunity for creditors to share in the available assets of the debtors. This requires that the assets neither be controlled by debtors nor dissipated by private trustees or excessive professional fees. The Program's supervisory responsibility mandates that a debtor's circumstances be scrutinized and that all assets be included in the estate. To the degree that discrepancies exist, further investigation must be undertaken.

Similarly, accountability structures have been put in place with regard to private trustees. Background investigations, reporting requirements and audits have been implemented. Cases can now be monitored to ensure not only that estate monies are not converted, but that the fiduciary standards of the law are upheld.

Despite the Program's successes in developing mechanisms to require accountability, challenges remain. The Program must increase its efforts to effectively police debtors-in-possession in the large number of chapter 11 cases that have little or no active creditor interest and to ensure that chapter 11 debtors carry out the process they have made to creditors and the bankruptcy court. Moreover, there is a need for to ensure that the fee applications of trustees and professionals are appropriate and proper and that applicants have no conflicts of interest. The demand that trustees and professionals perform services for the bankruptcy estate that do not drain its assets is fundamental.

Two recent cases demonstrate the need for continued careful scrutiny. In Region 2 (New York), the United States Bankruptcy Court for the Southern District of New York sanctioned debtor's counsel in the *Leahy Pay Company* bankruptcy case for not fully disclosing conflicts of interest and other connections it had with principals of the debtor and various other parties in the case. As a result of a motion by the United States Trustee, the court ordered counsel to

pay \$800,000 plus additional costs that were incurred by the creditors' committees. In Region 9 (Ohio), the 6th Circuit Court of Appeals in the Redford Department Store case sustained the U.S. Trustee's objection to employing Lehman Bros. who had been paid \$30,000 per month, some of which will now be recovered to the extent of \$1 million or more.

There have also been beneficial results such as those above in smaller cases. For example in Region 17 (San Francisco), a bankruptcy judge in the case of Allegre Plaza Company, Inc. reduced the trustee's requested compensation from \$267,016 to \$100,000 based on the objection of the United States Trustee. The private trustee who had acted on both the chapter 11 and chapter 7 trustee in the case, requested the maximum statutory compensation, yet had no contemporaneous time records to support the request.

ACCOMPLISHMENTS AND WORKLOAD:

Administration of Cases	1988		1989		1990		1991		1992		1993		1994		1995		1996	
	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate
Chapter 7																		
# of Bankruptcy Filings..	431,231	464,375	521,360	638,504	684,866	621,071	571,971	554,812	534,812									
# of Pending Cases.....	382,036	404,823	435,765	497,087	498,015	414,765	380,369	367,436*	367,436*									
Chapter 11																		
# of Bankruptcy Filings..	18,279	17,623	20,667	23,508	23,312	20,111	15,920	14,184	14,184									
# of Pending Cases.....	78,474	76,876	78,607	83,474	85,602	78,602	69,472	62,470	62,470									
Chapter 12																		
# of Bankruptcy Filings..	2,528	1,608	1,320	1,460	1,625	1,355	931	931	931									
# of Pending Cases.....	6,672	7,225	7,433	7,063	6,603	5,751	4,848	4,848	4,848									
Chapter 13																		
# of Bankruptcy Filings..	152,695	173,318	207,211	255,484	267,631	254,667	248,942	251,431	251,431									
# of Pending Cases.....	361,014	403,622	471,422	563,357	634,141	659,470	666,017	666,017	666,017									
Total																		
# of Bankruptcy Filings..	604,733	656,924	749,958	918,956	977,434	897,204	837,764	821,358	821,358									
# of Pending Cases.....	828,196	892,546	993,227	1,150,981	1,224,361	1,136,388	1,120,766	1,100,771	1,100,771									

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Direct Authority.....	747	711	747	711	...	...
Offsetting Collections.....	343	327	398	355	55	18
Total.....	1,090	1,038	1,145	1,066	55	18

* Reflects reestimate from President's Budget

Program Decreases: For Administration of Cases, the budget request includes a program decrease of \$1,035,000 in direct authority associated with the requirement that the 1996 pay increase effective in January 1996, be absorbed. These reductions will be achieved through careful management of personnel resources and by reducing costs of travel, transportation, printing, other services, supplies and equipment.

These additional reductions present serious challenges. The Program has already taken significant steps to reduce spending in these non-personnel areas, reducing travel and training, limiting the number of space relocations that are undertaken, reducing communications costs, and delaying or canceling furniture and equipment purchases. These steps have been taken in an effort to maximize personnel resources.

With bankruptcy filings increasing by 66 percent since 1986 and a pending caseload of over 1 million cases, the Program has had to find ways to do more with less, particularly since staffing elements have not kept pace with workload requirements. The workload of the United States Trustee Program is reflected in the flow and complex quality of bankruptcy cases. The bankruptcy system is such that the Program cannot decline to participate in a case. We must provide a presence in every filing, and perform certain administrative tasks to move the caseload through the system. At the same time, the Program's personnel have strived to strengthen the Agency's supervisory and "watchdog" role in the areas of trustee oversight and overall case supervision by ensuring that cases are closed in a timely manner, detecting concealed assets and rectifying debtor fraud, increasing the number and quality of audits and follow-up reconnections, developing standards to ensure that professionals appointed in bankruptcy cases avoid conflicts of interest, objecting to unreasonable professional fee applications, and assuring that chapter 11 debtors meet their obligations under court-ordered reorganization plans.

Program Increases: An increase of 55 positions (20 attorneys), 28 workyears and \$3,321,000 in offsetting collections is requested to allow the Program to strengthen its chapter 11 case supervision and post confirmation oversight. Also included in the request is a general provision language change allowing the Program to collect quarterly fee payments on cases after a reorganization plan has been filed with the bankruptcy court.

Enhanced oversight of the post confirmation phase of chapter 11 is critical because there is no entity in the process currently taking responsibility for these cases. Post confirmation is the stage in the bankruptcy process where debtors carry out the plan and they have made to the bankruptcy court in return for the opportunity to restructure their financial affairs and receive relief from their creditors. Traditionally, there has been scant oversight of this final stage in the chapter 11 process.

Chapter 11 provides a debtor, working with its creditors, an opportunity to restructure its financial affairs. The opportunity emanates from the substantial protection the law affords a debtor in precluding creditor enforcement actions. In exchange, the debtor is obligated to meet certain responsibilities (e.g., disclosing assets and proposing and implementing a reorganization plan).

It is in the post confirmation stage of chapter 11 that debtors seek to implement the court-ordered reorganization plan. Unfortunately, the intent does not meet the reality. After filing for protection, debtors in small cases rarely take steps to effectuate a true reorganization and move their cases to resolution.

The bankruptcy system has many chapter 11 reorganization cases that proceed to the point of a restructuring plan being approved by the court, but the case continues to linger in the system for years with cases sitting on the docket and the debtor pursuing its own self-interest, while professional fees continue to mount and estate assets are dissipated. The

ultimate effect of such action is an increasing public dissatisfaction with the high cost of bankruptcy. Failure of a debtor to carry out its post confirmation responsibilities diminishes the return of assets to creditors and contributes to public dissatisfaction with the system. In addition, failure of debtors to successfully reorganize or liquidate has drawn heavy criticism from companies which must compete with those businesses receiving continuing protection under the Bankruptcy Code.

It is essential that the Program provide the oversight necessary to bring cases to a faster resolution and to ensure that a debtor receiving a court-confirmed reorganization plan fulfills the promises it has made to the court and its creditors to successfully implement that plan. The Program's ability to perform these responsibilities is aggravated by the complex, time-consuming nature of these tasks and resource limitations.

The most recent available data from the Administrative Office of the United States Courts indicates that as of September 30, 1994, there were 69,472 chapter 11 cases pending in the courts (including both preconfirmation and post confirmation cases). Yet, the Program's chapter 11 data indicate that as of October 15, 1994 there were only 18,382 chapter 11 cases for which no confirmation plan had been approved. These statistics highlight the problem of chapter 11 cases languishing on the docket after a plan of confirmation has been approved by the court. For cases to remain on the docket in an active status when debtors are not meeting their obligations as specified in the restructuring plan is a patent abuse of the bankruptcy system. It is estimated that approximately 80 percent of the reorganization plans confirmed under chapter 11 of the Bankruptcy Code do not make it to fruition.

Monitoring debtors in post confirmation is a duty which was not envisioned by the staffing structure at the time of the Program's nationwide expansion and one for which the Program has never received resources. The requested increase is critical to ensure that there is an entity in the bankruptcy process which will require debtors to meet their post confirmation responsibilities under the law.

General Provision: The enhancement for the post confirmation initiative is paid for by a proposed change in the law which, if enacted, would require chapter 11 debtors to continue to make quarterly payments based on disbursements until a plan is converted or dismissed. The proposed change is a logical extension of the Program's present funding mechanism. Currently, chapter 11 debtors are only assessed quarterly fees until a reorganization plan is confirmed by the bankruptcy court, making post confirmation debtors the only entities in the bankruptcy process who are exempt from fees. There is no rational basis for such an exemption and the proposed amendment will close a loophole that allows cases to languish without paying for Program services.

It is estimated that the change in the statute would raise an additional \$18.2 million. The increased fees would be deposited in the United States Trustee System Fund as offsetting collections and would be sufficient to fund the Program enhancement as well as meet a significant shortfall in chapter 11 offsetting collections resulting from a decline in chapter 11 filings over the past 18 months.

The Program has a responsibility to ensure that the debtors who seek protection of the Bankruptcy Code comply with the law. A recent Memorandum of Understanding with the bankruptcy courts places post confirmation activities as a responsibility of the Program. Yet, insufficient staffing levels have all but precluded the performance of chapter 11 post confirmation oversight activities. The requested program change, in conjunction with the proposed general provision language change, would ensure that the Program has adequate resources to begin to address post confirmation problems.

Activity: Management and Administration

	1995 Appropriation		1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Direct Appropriation.....	52	50	\$6,646	52	50	\$6,892	...	...
Offsetting Collections.....	2	2	1,228	2	2	1,228	...	...
Total.....	54	52	8,574	54	52	8,820	...	...

Management and Administration budget activity provides resources necessary to furnish the United States Trustee with effective program management, policy direction, legal advice, administrative support and coordination.

-BARGE GOALS:

To develop policies and program priorities consistent with the "Bankruptcy Judges, United States Trustees and Family Farmers Bankruptcy Act of 1986," (P.L. 99-554).

To provide legal counsel to the Director and the United States Trustee.

To provide oversight of private trustee management activities, as well as to gauge the quality of the operations of the Program's field offices.

To plan and implement government reinvigoration initiatives including: a U.S. Trustee field office and Executive Office exchange program to augment the hiring of information and knowledge while providing field office personnel with direct input to operations, decentralization of some procurement authority to the Program's field offices, and development of an incentive program to reward field office chapter 11 quarterly fee collection successes.

To enhance the management of the Program's staff by training supervisors and requiring adherence to high professional standards.

To develop and maintain a comprehensive automated information system that satisfies Program needs, as well as Departmental and Government-wide design and security standards.

To provide the full range of administrative support services to field offices.

To provide liaison with Department of Justice components, other central administrative bodies, such as the Office of Management and Budget, the Office of Personnel Management, the General Services Administration, the Administrative Office of the United States Courts, and the Congress.

To manage the United States Trustee System Fund.

BASE PROGRAM DESCRIPTION: Management and Administration has a clearly defined leadership role in 1) developing and directing the Program; 2) long and short term goals, adopting uniform policies and assessing the efforts of the Program's field offices; 3) supervising the Program's litigation activities; 4) conducting the efforts of the Program's field offices by private trustees; 5) developing audit policies and private trustee reporting requirements; 6) coordinating and supervising the resolution of the trustee's and the estate's disputes; 7) providing administrative services such as personnel, procurement and contracts automation; budget and finance, training, and facilities management.

The Executive Office for United States Trustees (EOUST) located in Washington, D.C. provides this centralized support. The EOUST is composed of the Office of the Director, the Office of the General Counsel, the Office of Review and Oversight, and the Office of Administration.

Office of the Director: The Office of the Director provides comprehensive policy and management direction to the United States Trustees and their staff, as well as establishing policies and guidelines for the operations of the EOUST.

General Counsel: The demands imposed upon the General Counsel's office have expanded as the caseload has grown and as the Program has developed and implemented more aggressive enforcement programs. The commencement of enforcement action requires rigorous preparation and consistently high standards of advocacy. Because the United States Trustee Program has no statutory authority to remove trustees who violate the public trust, the Program's enforcement efforts are successful only if upheld in court. The Office of General Counsel is involved in every major case and provides advocacy training for the Program's employees. It also serves as the source of ethics information and direction for Program personnel.

Office of Review and Oversight: The Office of Review and Oversight (ORO) is the EOUST Division which is involved with the oversight and supervision of private trustees. The Division's responsibilities include responding to questions from the field regarding issues of trustee supervision, analysis of trustee financial records, review of trustee background checks, review of audit findings, and reconstruction of trustee financial records. It is involved in every investigation of trustee default. ORO also reviews and approves the budgets of the chapter 13 standing trustees. The Division's workload has grown dramatically as the Program has designed new mechanisms to ensure that debtors and private trustees comply with their legal obligations and duties.

Office of Administration: The Office of Administration consists of four divisions -- Facilities and Human Resources, Administrative Services, Information Systems, and Budget and Finance. The Office's responsibilities include managing the Program's independent personnel authority, managing a nationwide office space program, coordinating procurement actions and managing Program-wide contracts, providing daily technical advice and support regarding the automated case management system and other computer-related activities, managing the financial operation of the United States Trustee System Fund, and coordinating and developing the Program's budget and resource plan.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goals: The Program has devoted considerable effort in the last two years in developing and implementing methods for evaluating performance of both private trustees and Program staff. Databases have been designed to measure trustee performance in several critical areas: A chapter 7 database measures the performance of individual trustees in the case closing area, by allowing the Program to monitor the progress made by individual trustees in closing old cases, (defined as cases more than 3 years old). Another database permits the Program to measure the effectiveness of trustee operations in terms of the distribution of estate assets, i.e. the percentage of assets which are being paid out to unsecured creditors. A chapter 13 database details the expenses of standing trustees

and enables Program staff to monitor and analyze the cost per case. These databases, when combined with the yearly evaluations of trustees by Program staff, annual limited scope audits, and periodic office visits have added greatly to the Program's ability to assess trustee performance and maximize the distribution of estate assets to creditors.

A comprehensive internal evaluation program has also been established to review the performance of individual Program offices and regions. This peer review evaluation process consists of teams of field managers reviewing all aspects of performance by the staff of another region. Adhering to a detailed manual, the team spends several weeks in the region being evaluated, interviewing Program personnel, private trustees, judges and members of the bar. About a third of the regions have been reviewed and the written reports produced by the teams contain an average of 65 recommendations. In addition to preparing a written response, the United States Trustee must meet with the Program's Deputy Director to discuss his/her plan of action for correcting the deficiencies identified in the evaluation report. This internal evaluation process has been cited by the Department as a significant step in improving Program management and enhancing the monitoring of private trustees.

Factors Affecting Program Performance: Several external factors affect the Program's ability to achieve its performance goals, including resource limitations, an uncontrollable workload, and actions of the bankruptcy court. For example, the Program does not have the authority to enforce its standards through sanctions such as removing a private trustee who has failed to adhere to fiduciary standards. Rather, the Program must petition the court to take such action. The Program's accomplishments are presented in the following table:

Item	1993	1994	1995	1996
------	------	------	------	------

Case Closing:
 % of Pre-1989 Cases closed
 % of Pre-1990 Cases closed
 % of Pre-1991 Cases closed

83.5%	93.5%	99.0%	99.0%
52.1%	77.1%	88.5%	94.3%
N/A	44.1%	72.1%	86.1%

Distribution to Unsecured Creditors:

Increase in percentage of estate funds
 distributed to unsecured creditors, using
 August 1992 bench mark

+21.1%	+23.0%	+24.0%	+25.0%
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Internal Control Measures:

Internal Evaluation Team Review of Field Offices

6	6	6	6
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PROGRAM CHANGES:

1995 Base	1995 Estimate	Increase/Decrease
Per.	Per.	Per.
Est.	Est.	Est.
Amount	Amount	Amount

Management and Administration
 Direct Authority.....
 Offsetting Collections.....
 Total.....

52	50	...
2	2	...
54	52	...
\$7,006	\$6,892	...
1,928	1,928	...
8,934	8,820	...
		(\$114)
		(114)

A program decrease of \$14,000 in direct authority is required to absorb the 1996 pay increase scheduled to take effect January 1, 1996. The reduction will be achieved through careful management of personnel resources and by reducing spending in non-personnel areas such as travel and transportation, printing, consulting services, supplies, furniture and equipment.

U.S. Trustee System Fund
Salaries and Expenses
Justification of Multi-Activity Program Changes
(Dollars in thousands)

	1996		Total	
	Perm.	WY	Perm.	WY
<u>Direct Authority</u>				
1. Administration of Cases.....	...	(\$1,035)	...	(\$1,035)
2. Management and Administration....	...	(114)	...	(114)
Subtotal.....	...	(1,449)	...	(\$1,449)
<u>Offsetting Collections</u>				
1. Administration of Cases.....
2. Management and Administration....
Subtotal.....
<u>Total</u>				
1. Administration of Cases.....	...	(\$1,035)	...	(\$1,035)
2. Management and Administration....	...	(114)	...	(114)
Subtotal.....	...	(1,149)	...	(1,149)

In 1996, the United States Trustee Program will absorb the full 1996 pay raise of \$1,149,000. Savings will be achieved through careful management of personnel resources and by reducing non-personnel expenditures such as travel, transportation, printing, other services, supplies and equipment.

United States Trustee System Fund
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	DIRECT AUTHORITY				OFFSETTING COLLECTIONS				TOTAL AUTHORITY			
	Permanent Decrease				Chapter 11 Permanent Increase				Total Program Change			
	Administration of cases Pos. Amount	Management and Administration Pos. Amount	Total Pos. Amount	Case Supervision/Post Confirmation Administration of cases Pos. Amount	Management and Administration Pos. Amount	Total Pos. Amount	Administration of cases Pos. Amount	Management and Administration Pos. Amount	Administration of cases Pos. Amount	Management and Administration Pos. Amount	Total Pos. Amount	Total Pos. Amount
Grades
GS/GM-15
GS/GM-13
GS-11
GS-07
GS-05
AO Pay
Total positions and annual rate
Additional loss of workyears (-)
Lapse (-)
Other than full-time permanent
Other compensation
Total workyears and personnel
Compensation
Personal benefits
Benefits to former personnel
Travel and transportation of persons
GS/rent
Comm., utilities, and misc charges
Printing
Other services
Supplies and materials
Equipment
Total program workyears & obligations changes requested, 1990	(1,035)	(114)	(1,149)	28	3,321	28	3,321	28	3,321	(114)	28	2,172

United States Trustee System Fund
Salaries and Expenses
Priority Ranking
Fiscal Year 1996

<u>Base Program</u>		<u>Program Increase</u>	
<u>Program</u>	<u>Ranking</u>	<u>Enhancement</u>	<u>Ranking</u>
Administration of Cases. . . . .	.1	Chapter 11 Case Supervision/ Post Confirmation. . . . .	.1
Management and Administration. . . . .	.2		

United States Trustee System Fund
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996	
			Program Increases	Total Authorized
Direct Authority:				
U.S. Trustees/Asst. U.S. Trustees (301).....	102	102	0	102
Bankruptcy Analysts (301).....	114	112	0	112
Attorneys (905).....	144	142	0	142
Paralegal Specialist (950).....	138	136	0	136
Other Legal and Kindred (900-998).....	208	204	0	204
Personnel Management (200-299).....	6	6	0	6
Management System Specialists (301).....	37	36	0	36
General Administrative and Clerical (300-399).....	56	53	0	53
Security Specialists (080).....	0	0	0	0
Accounting and Budget (500-599).....	8	8	0	8
Subtotal.....	611	599	0	599
Offsetting Collections:				
U.S. Trustees/Asst. U.S. Trustees (301).....	0	0	0	0
Bankruptcy Analysts (301).....	80	85	17	102
Attorneys (905).....	65	70	20	90
Paralegal Specialist (950).....	98	105	18	123
Other Legal and Kindred (900-998).....	82	82	0	82
Personnel Management (200-299).....	1	1	0	1
Management System Specialists (301).....	1	1	0	1
General Administrative and Clerical (300-399).....	0	0	0	0
Security Specialists (080).....	1	1	0	1
Accounting and Budget (500-599).....	0	0	0	0
Subtotal.....	328	345	55	400
Total Authority:				
U.S. Trustees/Asst. U.S. Trustees (301).....	102	102	0	102
Bankruptcy Analysts (301).....	194	197	17	214
Attorneys (905).....	209	212	20	232
Paralegal Specialist (950).....	236	241	18	259
Other Legal and Kindred (900-998).....	288	286	0	286
Personnel Management (200-299).....	7	7	0	7
Management System Specialists (301).....	38	37	0	37
General Administrative and Clerical (300-399).....	56	53	0	53
Security Specialists (080).....	1	1	0	1
Accounting and Budget (500-599).....	8	8	0	8
Total.....	1,139	1,144	55	1,199
Washington.....	55	54	0	54
U.S. Field.....	1,084	1,090	95	1,145
Total.....	1,139	1,144	95	1,199

United States Trustee System Fund
Salaries and expenses
Summary of Change
(Dollars in Thousands)

	Direct Appropriation		Offsetting Collections		Total	
	Pos.	Perm. Work- years Amount	Pos.	Perm. Work- years Amount	Pos.	Perm. Work- years Amount
1995 as Enacted.....	799	761 862,593	345	321 840,597	1,144	1,082 \$103,190
Procurement and rent adjustments.....						
1995 Availability.....						
1995 Availability.....	799	761 82,586	345	321 40,346	1,144	1,082 102,934
Mandatory Increases:						
One Additional Compensable Day.....		284				284
1995 Pay Raise.....		1,149				1,149
Annualization and Increase of 1995 Pay Raise.....		1,340				1,340
Within-grade Increases.....		589				589
Annualization of 17 Additional Positions Approved in 1995.....			8	522	8	522
Health Benefits.....		154				154
\$90 Supplemental Retirement Contributions.....		93				93
Accident Compensation.....		56				56
Unemployment Compensation.....		25				25
Postal Rate Increases.....		105				105
General Pricing Level Adjustments.....		334				334
Adjustment for 1995 Double Rent Reduction.....		216				216
Total, Mandatory Increases.....		4,347	8	522	8	4,869
Decreases (automatic, nonpolicy):						
FTS 2000 Savings.....		(129)				(129)
FERS Savings.....		(601)				(601)
Total, Decreases (automatic, nonpolicy).....		(730)				(730)
1995 Base.....	799	761 86,203	345	329 40,870	1,144	1,090 107,073
Program Increases.....			55	28 3,321	55	28 3,321
Program Decreases.....						
1995 Estimate.....	799	761 85,084	400	357 44,191	1,199	1,116 109,245

United States Trustee System Fund
Justification of Adjustments to Base
Dollars in thousands

<u>Adjustments to Base:</u>	<u>MYA</u>	<u>Amount</u>
<u>Mandatory Increases:</u>		
1. One additional compensable day. The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$217,000 for pay and \$67,000 for benefits).		\$284
2. 1996 pay raise. This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$1,149,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$877,000 pay and \$272,000 benefits = \$1,149,000).		1,149
3. Annualization and increase of 1995 pay rates. This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$1,023,000 for pay and \$317,000 for benefits).		1,340
4. Within-grade increases. This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$449,000 for pay and \$140,000 for benefits.		589
5. Annualization of 17 additional positions approved in 1993. This provides for the annualization of 17 additional positions approved in the 1995 Appropriations Act for the United States Trustee System Fund.	8	522

	<u>Approved 1995 Increases</u>	<u>Annualization Required</u>
	<u>(\$ in thousands)</u>	<u>(\$ in thousands)</u>
Annual salary rate of 35 approved positions.....	\$ 710	\$ 750
Less lapse (\$0s).....	-355	-355
Net compensation.....	355	395
Associated employee benefits.....	109	121
Other (non-personnel):		
Travel and relocation.....	57	57
Transportation.....	9	9
GSA Rent.....	106	-1
Communications/Utilities.....	20	20
Printing/Reproduction.....	11	11
Other services.....	60	60
Supplies.....	13	13
Equipment.....	170	-152
Total Costs Subject to Annualization.....	900	522

<u>MYA</u>	<u>Amount</u>
6. Health benefits..... The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$154,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	154
7. 480 supplemental retirement contributions..... For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS for FERS retirement systems. The requested increase of \$93,000 provides for this contribution.	93
8. Accident compensation..... This increase reflects the billing provided by the Department of Labor for the actual costs in 1994 of employees' accident compensation. The 1996 amount will be \$56,000.	56
9. Unemployment compensation..... This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$25,000 is required to meet our commitment to DOL.	25
10. Postal rate increases..... The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 20 to 32 cents per stamp. An increase of \$105,000 is requested in 1996 to cover this rate adjustment.	105
11. General pricing level adjustments..... This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	334
12. Adjustment for 1993 Double Rent Reduction..... The 1995 Appropriations Act had the effect of applying the rent reduction for the United States Trustee Program twice. This request restores the second reduction.	218
<u>Total mandatory increases.....</u>	<u>8</u>
<u>Decreases:</u>	<u>4,869</u>
1. FERS Savings..... Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The non-law enforcement agency rate fell from 12.9 percent to 11.4 percent. The 1996 decrease is \$601,000.	(601)

<u>MTR</u>	<u>Amount</u>
2. <u>FIS 2000 Savings</u>	(129)
This decrease reflects FIS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$129,000.	
<u>Total decreases</u>	<u>(129)</u>
<u>Total Adjustments to Base</u>	<u>8 4,139</u>

United States Trustee System Fund
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
ES-6, \$122,040.....	1		1		1			
ES-5, \$117,927.....	1		1		1			
ES-4, \$113,180.....	1		1		1			
ES-3, \$109,012.....	21		21		21			
ES-2, \$102,738.....	1		1		1			
GS-15, \$70,482-\$1,629.....	100		100		100			
GS-14, \$59,920-\$7,893.....	181		181		181			
GS-13, \$55,706-\$5,915.....	130		136		173			
GS-12, \$42,951-\$4,421.....	53		82		82			
GS-11, \$35,878-\$4,216.....	119		119		119			
GS-10, \$32,382-\$42,102.....	2		2		2			
GS-9, \$29,408-\$38,228.....	111		111		129			
GS-8, \$26,822-\$34,605.....	18		18		18			
GS-7, \$24,036-\$31,248.....	199		202		202			
GS-6, \$21,635-\$28,121.....	47		47		47			
GS-5, \$19,407-\$25,233.....	44		41		41			
GS-4, \$17,346-\$22,547.....	4		4		4			
GS-3, \$15,435-\$20,092.....	1		1		1			
GS-2, \$14,161-\$17,816.....	1		1		1			
Ungraded positions.....	107		107		107			
1995 pay increases.....								
Total appropriated positions.....	1,139	\$53,560	1,144	\$53,783	1,199	\$60,962	65	\$7,189
Pay above stated annual rates.....		205		216		217		12
Expenses.....		(483)		(2,255)		(3,583)		(1,300)
Net savings due to lower pay scales for part of year.....		(483)		(680)		(292)		388
Net savings permanent.....	1,139	\$3,260	1,066	\$3,063	1,104	\$1,344	38	4,281
Other than permanent.....								
Temporary employment.....	35	1,363	10	115	10	115		
Other part-time and intermittent employment.....	7	107	4	30	4	30		
Other personnel compensation.....								
Overtime.....	6	181	6	193	6	193		
Administratively uncontrollable overtime.....								
Other compensation.....		387		332		345		13
Special personnel services payments.....								
Total workyears and personnel compensation.....	1,166	\$53,538	1,087	\$53,735	1,125	\$58,027	38	4,294
Less: Offsetting Collections.....	(409)	(29,020)	(321)	(21,020)	(397)	(23,746)	(88)	(1,728)
Total Direct workyears and personnel compensation.....	757	\$30,318	766	\$32,715	728	\$34,281	(29)	2,466
Average ES Salary.....		\$109,670		\$109,670		\$109,670		
Average GS Salary.....		\$40,174		\$40,215		\$40,632		
Average GS Grade.....		11.5		11.5		11.5		

United States Trustee System Fund
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	1,139	\$54,750	1,069	\$53,063	1,104	\$57,344	36	\$4,281
11.3 Other than full-time permanent.....	42	215	14	145	14	145	...	...
11.5 Other personnel compensation.....	5	373	5	525	5	539	...	13
11.8 Special personnel service payments.....								
Total.....	1,186	55,336	1,087	53,733	1,123	58,027	36	4,294
12 Personnel benefits.....								
13 Benefits to former personnel.....		14,277		14,774		15,829		1,055
21 Travel and transportation of persons.....		502		750		700		(50)
22 Transportation of things.....		2,265		2,990		2,892		(98)
23.1 GSA rent.....		235		237		267		10
23.2 Rental payments to others.....		14,352		14,436		15,153		717
23.3 Communications, utilities and miscellaneous charges.....		183		275		377		102
24 Printing and reproduction.....		3,314		3,480		3,547		67
25.1 Consulting Services.....		208		210		237		47
25.2 Other Services.....		1,336		1,210		1,255		45
25.3 Other Government Services.....		1,577		2,458		2,377		(81)
		5,660		5,300		5,124		(176)
26 Supplies and materials.....		1,266		1,645		1,396		(249)
31 Equipment.....		1,063		2,142		2,044		(98)
Total obligations.....	1,186	101,598	1,087	103,600	1,123	109,245	36	5,645
Unobligated balance start-of-year.....		(2,484)		(609)		...		666
Recovery of Prior Year Obligations.....		(629)		...		...		...
Unobligated balance end-of-year.....		666		...		...		...
Total requirements.....	1,186	99,114	1,087	102,934	1,123	109,245	36	6,311
Less, Available Offsetting Collections.....	(405)	(20,044)	(321)	(40,346)	(357)	(44,191)	(36)	(3,843)
Total Direct requirements.....	781	79,070	766	62,588	766	65,054	...	2,466
Relation of obligations to outlays:								
Total obligations.....		101,598		103,600		109,245		5,645
Less Offsetting Collections.....		(20,044)		(40,346)		(44,191)		(23,843)
Total direct requirements.....		81,554		63,252		65,054		(16,202)
Obligated balance, start-of-year.....		10,319		14,573		15,873		1,291
Obligated balance, end-of-year.....		(14,577)		(15,873)		(16,342)		(1,469)
Adjustments in unexpired accounts.....		(629)		...		...		...
Outlays.....		67,665		61,956		62,505		539

Department of Justice
Assets Forfeiture Fund
Estimate for Fiscal Year 1996
Table of Contents

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Keywords:

1

The primary purpose of the fund is to provide a stable source of resources to cover the costs of an effective asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, disposing of property, prior to its sale, and the costs of selling the property. The fund is to be created in 1985, and the costs of these activities had to be diverted from the general fund. The fund is responsible in large measure for the health and growth in the number of the seized property. Any legislative or policy initiative that contemplate changing the operation of the fund or the use of its receipts must be critically examined with this relationship in mind. The secondary purpose of the fund is to provide surplus revenues to assist in financing important law enforcement programs. If the fund ceases to function effectively in its primary role, surpluses will not be available for these law enforcement programs.

Since the creation of the fund, the asset seizure and forfeiture program has grown rapidly. The inventory of property in custody has increased from 3,646 nonconfiscated nonproperties valued at \$313 million at the end of 1995 to over 22,000 properties valued at over \$1.6 billion as of the end of fiscal year 1996. Including nearly \$467 million in cash related to the ECRI matter. Receipts are available to pay the Program Operations Expenses, i.e., mandatory expenses, of the asset seizure and forfeiture program, and to recognize the equity of innocent third parties, lenders, and state and local law enforcement agencies. For 1996, the Department is estimating \$467,000,000 for these purposes. Included in this amount, providing net receipts continue to support this expense level, is \$16 million to continue to pay overtime expenses for state and local law enforcement officers engaged in joint operations with Federal law enforcement agencies participating with the fund, and \$9 million to continue to support the Administration's used and tested program. The Department's authority to incur Program Operations Expenses with the fund, and the authority to use the fund only for the level of receipts deposited into the fund, to the extent that the receipts are consistent with the amount necessary for these expenses, the fund may be used for property seizure and forfeiture, to support the program, and for law enforcement functions, and the purchase of evidence.

The fund has served as a catalyst to involve more federal, state and local investigative agencies in the forfeiture program. In 1991, the U.S. Park Police joined the Bureau of Alcohol, Tobacco and Firearms' asset forfeiture program, and in 1992, the U.S. Secret Service joined the Treasury Department's asset forfeiture fund as a resource agency. The U.S. Postal Inspectors also have been authorized to use the Treasury Department's asset forfeiture fund. As a result of the effectiveness of the asset forfeiture programs, the Treasury, Postal, and General Government Appropriations Subcommittee has supported this important law enforcement tool. The legislation that created a separate Treasury forfeiture fund that became operational in 1994, replacing the Customs forfeiture fund, was signed by President Clinton in August of 1994. The Department of Justice (DOJ) joined the Department of Justice's asset forfeiture program. It is increasingly important to recognize that the benefits to be achieved through inter-departmental cooperation and standardization of policies and procedures are enormous, not only from a program management perspective, but also from the perspective of preserving the due process rights of citizens.

Congress has further recognized the potential benefits of the Fund by expanding the authority of the Fund to meet other important law enforcement needs if both justice and non-justice participants in the fund. A number of such legislative proposals were enacted in the 1992 and 1993 Justice appropriations bills, including: (1) expansion of the Fund's authority to pay awards for information or assistance leading to a forfeiture to reach any case involving

a federal agency participating in the fund, (2) expenditure of the fund's authority to pay for the equipping of conveyances to include any participating agency, as well as any vessel, vehicle, or aircraft available for official use by a state or local law enforcement agency to enable the vessel, vehicle, or aircraft to assist in joint federal and state law enforcement functions if the federal agency is participating in the fund, (3) provision for the Attorney General to use any excess monies in the fund at the end of the fiscal year for law enforcement, prosecution, and correctional activities of both Justice and non-Justice agencies, and (4) authority to pay overtime salaries, travel, fuel, training, equipment and other similar costs of state or local law enforcement officers that are incurred in a joint federal and state law enforcement operation where the federal law enforcement agency is a participant in the fund. It is this latter authority that permits the fund to support the Administration's seed and seed initiatives in cities nationwide. With these changes, additional funding has been made available at the discretion of the Attorney General for law enforcement, prosecution and correctional activities.

In summary, the asset forfeiture program not only represents an effective law enforcement tool against criminal organizations but also provides financial support to other federal law enforcement efforts. Without this resource, agency funds would be seriously taxed to maintain, preserve, and liquidate seized assets; and law enforcement projects supported by the fund could not be undertaken or would have to await the possibility of funding through other avenues.

¹ This authority is not currently available for surplus balances unless renewed by Congress in appropriation acts, but has been used to make available more than \$165,000 to meet law enforcement, prosecution, and correctional activities of the federal government since inception of the authority in 1991.

Assets Forfeiture Fund
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. Deleted matter is enclosed in brackets.

Assets Forfeiture Fund

for expenses authorized by 28 U.S.C. 524(c)(1)(A)(i), (B), (C), (F), and (G), as amended, \$55,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

(Amounts otherwise available for obligation in fiscal year 1995 are reduced by \$92,000.)

(28 U.S.C. 524; Department of Justice and Related Agencies Appropriations Act, 1995.)

Explanation of Changes

One-time language associated with the reduction of GSA Rent is deleted.

Assets Forfeiture Fund Crosswalk of 1995 Changes (Dollars in thousands)				
Activity/Program: Assets Forfeiture Fund	1995 President's Budget Request	Other Enacted Changes	Changes in the Estimate	1995 Appropriation Authorized
Permanent, Indefinite Authority				
1. Program Operations.....	\$431,575	...	\$15,425	\$447,000
Appropriated, Definite Authority				
2. Investigative Expenses.....	55,000	...	...	55,000
1995 Super Surplus balance available				
3. Unallocated balance carried forward	---	---	9,711	9,711
Total Budget Authority.....	486,575	...	25,136	511,711

Explanation of Change in Permanent, Indefinite Authority

Changes in the Estimates:

The estimate for Equitable Sharing expenses in 1995 is increased from \$217,000,000 to \$225,000,000 to reflect a higher trend in sharing payments. The estimate for Joint Federal/State and local law enforcement operations expenses is increased from \$16,000,000 to \$25,000,000, to include additional resources for joint task forces. The latter additional funding will be dependent upon sufficient receipt levels to supporting the added expenses. Other adjustments in the estimates result in a net decrease in mandatory spending of \$2 million. Lastly, at the end of 1994, there was an unobligated balance of the 1993 Super Surplus in the amount of \$9.7 million. This amount is expected to be obligated during 1995. Estimates for Program Operations expenses reflect the procurement savings reductions.

Assets Forfeiture Fund
Summary of Requirements
(Dollars in thousands)

	Annual Definite	Permanent Indefinite	Total
Appropriation adjustments:			
1995 as enacted.....	\$35,000	\$11,711	\$46,711
1995 change in estimates.....	---	2,718	2,718
1995 appropriation anticipated.....	---	45,711	45,711
Expense changes.....	---	-9,711	-9,711
1995 Request.....	\$35,000	447,000	502,000

Debitations by Type of Expense

	1995 Appropriation Anticipated Amount	1996 Estimate Amount	Increase/Decrease(-)
--	---------------------------------------	----------------------	----------------------

Program operations expenses: (indefinite authority)
Program operations expenses..... \$447,000

Investigative expenses: (definite authority)
Investigative expenses..... 55,000

1993 Super Surplus balance available for obligation..... 9,711

Total gross obligations..... 511,711

Funding

Unappropriated balance of receipts, start of year..... 120,189

Collections/deposits/receipts..... 514,000

Total resources available..... 634,189

Less:

Unappropriated balance of receipts, end of year, including:

1. U.S. v. Williams Assets, a civil forfeiture case in the Eastern District of New York, the proceeds from the sale of certain forfeited assets will be deposited into the Assets Forfeiture Fund, followed, immediately, by payments to innocent third parties in amount(s) equal to the deposited proceeds, leaving no net balance available for program operations or investigative expenses.

U.S. v. Williams Assets, a civil forfeiture case in the Eastern District of New York, the proceeds from the sale of certain forfeited assets will be deposited into the Assets Forfeiture Fund, followed, immediately, by payments to innocent third parties in amount(s) equal to the deposited proceeds, leaving no net balance available for program operations or investigative expenses.

Unappropriated balance available for start-up expenses..... 39,289

Total, Unappropriated balance, end of year..... 122,478

Total, Gross obligations..... 511,711

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Unappropriated balance available for start-up expenses..... 39,289

Total, Unappropriated balance, end of year..... 122,478

Total, Gross obligations..... 511,711

Assets Forfeiture Fund
Summary of Requirements by Expense Category
(Dollars in thousands)

Obligations by Type of Expense	1994 Actual Amount	1995 Anticipated Amount	1996 Estimate Amount	Increase/ Decrease(-) Amount
Program operations expenses: (indefinite authority)				
Asset management and disposal.....	942,854	944,000 ¹	945,000	\$1,000
Other asset specific expenses.....	60,282	60,000	70,500 ²	10,500
Equitable sharing payments.....	234,624	225,000	225,000	...
Special contract services.....	35,140	41,000	43,000	2,000
Automated data processing.....	26,575	30,000	16,000	-14,000
Training and printing.....	4,160	5,500	5,500	...
Other program management.....	2,208	12,000 ³	12,000	...
Contracts to identify assets.....	2,845	3,500	4,000	500
Storage, protection and destruction of substances.....	806	1,000	1,000	...
Joint Federal/state and local law enforcement operations.....	10,544	23,000	23,000	...
Subtotal: Program operations expenses.....	1,519,538	1,447,000	1,447,000	...
Investigative expenses: (definite authority)				
Awards for information.....	22,840	24,000	24,000	...
Purchase of evidence.....	10,452	12,000	12,000	...
Equipping of conveyance.....	15,021	19,000	19,000	...
Subtotal: Investigative expenses.....	47,313	55,000	55,000	...
Capital surplus transfers, 1991				
Amount obligated.....	3,097 ³	...	...	...
Super surplus allocations, 1992				
Amount obligated.....	13,544 ⁴	...	...	...
Super surplus allocations, 1993				
Amount obligated.....	43,289 ⁵	9,711	...	-9,711
Total gross obligations.....	1,572,181	1,511,711	1,502,000	-9,711

Endnotes follow:

Assets & Future Fund
Summary of Resources by Expense Category
(Dollars in thousands)

Ergebnis:

1. A new policy decision for 1995 will result in additional increases to program operations expenses. The fund will be used to finance the non-personnel costs of the U.S. Marshall Service Sited Asset Division. In the 1995 Congressional Budget Request, \$8 million was included in the Asset Management and Disposal expense category to be paid pursuant to the Other Program Management expense authority. The shift of the \$8 million estimate from the Asset Management and Disposal expense category to the Other Program Management expense category is reflected here. Actual costs may be more or less than this amount.

2. Reflects liquidation of the U.S. v. McInnere Assets balance carried forward from the end of 1994.

1991 Capital Surplus allocation

3. The surplus balance was obtained as follows:

Executive Office for Asset Forfeiture.....

1996
Actual
Budget
3,097

1992 Super Surplus allocation

4. The surplus balance was obtained as follows:

Federal Bureau of Investigation (FBI).....

1996	Actual	Amount
		13,546

1993 Super Surplus allocations

5. The surplus balance was obligated as follows:

181	Immigration and Naturalization Service (INS)
182	U.S. Marshals Service (JMS)
183	U.S. Civil Rights Division, General Legal Activities
184	Inspector General, U.S. Dept. of Health & Human Services
185	Director of Criminal Investigations, U.S. Food & Drug Administration
186	U.S. Postal Service
187	Community Relations Services (CRS)
188	Total allocations

1994	Actual	Amount
		14,917
		9,127
		3,400
		4,000
		4,995
		3,500
		250
		450
		1,250
		1,400
		45,289

**Assets for Future Fund
Summary of Requirements, Financing**
(dollars in thousands)

	1994 Actual	1995 Estimate	1996 Estimate	Increase/ Decrease/ Amount
Financing				
Unappropriated balance of receipts, start of year	816,848	841,289	839,289	-82,000
Start-up expenses	15,698	29,319	43,319	14,000
Unappropriated balance not available for program expenses	15,698	29,319	43,319	14,000
BCCI interest earned	15,698	29,319	43,319	14,000
BCCI forfeiture proceeds, subject to Court Order	15,698	29,319	43,319	14,000
Estimated transfer to Special Forfeiture Fund	30,000	37,500	71,500	14,000
U.S. v. Williams AS353 unobligated balance	...	11,629	11,629	...
Surplus balances available to AG	90	...	...	...
1991 Capital Surplus balance available to AG	13,476	...	...	...
1991 Super Surplus balance available to AG	33,000	9,711	...	-8,711
1991 Super Surplus balance available to AG	46,634	9,711	...	-9,711
Total: Surplus balances available to AG	3,097	120,189	122,478	2,289
1992 Super Surplus allocation to total	190,277	500,000	500,000	...
Unappropriated balance of receipts, start of year	481,426	500,000	500,000	...
Collections/deposits/receipts	26,647	...	...	...
U.S. v. Williams AS353 pass-through receipts	13,621	14,000	14,000	...
Unappropriated balance not available for program expenses	41,462	14,000	14,000	...
BCCI interest earned	41,462	14,000	14,000	...
BCCI forfeiture proceeds, subject to Court Order	41,462	14,000	14,000	...
Total: BCCI balances not available for program expenses	549,933	314,000	314,000	...
Collections/deposits/receipts	2,305	634,189	634,478	2,289
Unobligated balance returned	682,514	...	...	...
Total resources available	...	...	...	...
Less:				
Appropriation transfers	...	...	...	...
1991 Capital Surplus balance available to AG	2,394	...	...	...
Bureau of Prisons (BOP)	30,000	...	...	...
Estimated transfer to Special Forfeiture Fund	2,250	...	...	...
Activities of the Federal Bureau of Investigation (FBI)	35,164	...	...	...
Immigration and Naturalization Service (INS)	...	...	...	...
Appropriation transfers	41,289	39,289	48,918 ²	9,629
Unappropriated balance of receipts, end of year	...	...	...	...
Unappropriated balance not available for program expenses	...	...	...	...
BCCI interest earned	29,319	43,319	57,319	14,000
BCCI forfeiture proceeds, subject to Court Order	29,319	43,319	57,319	14,000
Total: BCCI balances not available for program expenses	58,638	86,638	114,638	...
U.S. v. Williams AS353 unobligated balance	11,629	11,629	11,629	...
Surplus balances available to AG	9,711	...	...	...
1991 Capital Surplus balance available to AG	13,476	...	...	...
1991 Super Surplus balance available to AG	33,000	9,711	...	-8,711
1991 Super Surplus balance available to AG	46,634	9,711	...	-9,711
Unappropriated balance of receipts, end of year	120,189	122,478	124,478	2,289
Total, Transfers and Unappropriated balances, end of year	337,181	311,711	307,000	-9,711
Total, Gross obligations	...	...	...	...
Endnotes follow:				

Assets Forfeiture Fund
Summary of Resources by Expense Category - FY1998/99
 (Dollars in thousands)

Endnotes:

1. Although the Department has received the final Forfeiture Order on a portion of the U.S. v. BCCI assets, the decision by the Court is subject to appeal. Indications are that the appeals process may be protracted. All BCCI related receipts are subject to distribution in accordance with a Court Order, and may not be used for expenses of the fund. Until the appeals process is completed, BCCI deposits in the fund may not be transferred pursuant to the current Court Order. Ultimately, BCCI balances in the fund will be distributed pursuant to the fund's refund, i.e., reductions to gross receipts, rather than by appropriation transfer. In summary, the fund is merely being used as the "bank" for the BCCI monies to ensure proper audit trail and accountability for transactions.
2. The balance available to start 1997, \$48.9 million, reflects the beginning balance necessary to meet ongoing responsibilities of the fund that cannot await a determination each year that receipts are available before commitments are made. Just \$16 million for payment of state and local law enforcement officer overtime, \$9 million for ongoing seed and seed projects for which all 94 judicial districts are eligible, and an estimated \$3 million or more for the non-personnel costs of the U.S. Marshals Service Seized Asset Division. This leaves the statutory \$15 million for routine start-up expenses of the fund. Additionally, Report language attending the 1995 Justice Appropriations Act indicated that if additional funds become available, resources for state and local overtime should be increased to \$21 million in order to provide \$5 million to the Federal Bureau of Investigation for state and local law enforcement overtime. To date, this additional funding has not been provided. Statutory language of the Treasury Forfeiture Fund provides for a carryover balance of \$50 million each year.

Assets Forfeiture Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Assets Forfeiture Fund	1995 Appropriation Anticipated	1995 Base	1995 Estimate	Increase/ Decrease (-)
Permanent, Indefinite Authority				
1. Program Operations.....	\$447,000	\$447,000	\$447,000	...
Appropriated, Definite Authority				
2. Investigative Expenses.....	55,000	55,000	55,000	...
1995 Surplus balance available				
3. Unallocated balance carried forward	9,711	...	...	...
Total Budget Authority.....	511,711	502,000	502,000	...

LONG-RANGE GOAL: To provide resources necessary to seize, manage, and dispose of property seized for forfeiture, including expenses of perfecting the forfeiture and recognizing legitimate interests of innocent third parties, and to provide central accountability for the management and use of forfeited cash and the proceeds of forfeited property. To the extent surplus funds are available, the fund will provide a source of funds to assist in financing other law enforcement requirements as authorized by law.

MAJOR OBJECTIVES:

To pay expenses for detention, inventory, safeguarding, maintenance of property seized for forfeiture, and the disposal of forfeited property.

To pay case-related expenses for perfecting the forfeiture of seized property.

To ensure that valid third-party interests are not jeopardized unreasonably in the enforcement of forfeiture statutes.

To strengthen overall asset seizure and forfeiture efforts by funding certain program-related expenses allowable by statute.

To promote effective law enforcement by sharing amounts realized from forfeitures with State, local, and foreign law enforcement agencies that contributed directly to the forfeiture.

To pay awards for information and assistance leading to civil or criminal forfeitures involving any federal agency participating in the fund.

To equip conveyances for law enforcement purposes.

To assist in major investigations and prosecutions by making funds available to purchase evidence of violations of the Controlled Substances Act, the Controlled Substances Import and Export Act, RICO, or criminal money laundering laws.

BASE PROGRAM DESCRIPTION: Identifying, seizing, and forfeiting illegal assets plays an increasingly important role in the Federal Government's efforts to stop crime and punish criminals. While even the highest individual criminals within a crime corporation are replaced quickly and easily, the removal of bank

accounts, real property and other assets of the enterprise can disrupt operations severely. This, in turn, can create further opportunities to penetrate and compromise these illicit industries. However, not until 1985 was there a suitable funding source to cover the direct expenses associated with an aggressive asset forfeiture program, such as storage, security, maintenance, auction, and advertising. The Comprehensive Forfeiture Act of 1984, Part of the Comprehensive Crime Control Act of 1984, (P.L. 98-473, Title II, Chapter III), remedied this problem by creating the Assets Forfeiture Fund within the Department of Justice.

Once the Fund was in place, the Department began placing greater emphasis on the identification, location, seizure and forfeiture of assets as a standard aspect of major investigations. In addition, the Department sought and obtained authority to share forfeited assets with State and local law enforcement agencies and foreign governments that assisted in the law enforcement effort leading to the forfeiture. Today, hundreds of joint investigations involving thousands of State and local law enforcement officials are occurring across the country. Also, there are a greater number of cases involving assets in foreign countries.

After seizure, the Federal investigative agencies have a critical role in getting the legal forfeiture process started by: (1) providing personal notice to the owner, and advertising the seizure to the public; (2) handling claims for the property from owners, lienholders, and State and local agencies with an "equitable share" in the property; and, (3) if the forfeiture is uncontested, issuing a "Declaration of Forfeiture", closing out the case file, and notifying interested parties of the outcome. If the asset under seizure is real property or valued in excess of \$500,000, or if a claimant files a claim and posts a cost bond, then the case is referred to the appropriate U.S. Attorney's Office for judicial forfeiture proceedings. Following a forfeiture determination, whether judicial or administrative, there are often petitions from innocent owners that need to be investigated and answered. Finally, if the forfeited property is not transferred to a Federal, State or local agency for official use, or destroyed, it must be marketed and sold. Only then can revenues be deposited in the Fund. In some instances, following seizure, certain petitions from innocent owners are investigated and answered.

Depending on the type of property involved, the strength of the market, the need to address petitions, and other factors, this entire forfeiture and disposal process may take 12 to 24 months. During this process, the property must be properly maintained to protect its value and efficiently disposed of after forfeiture to ensure the maximum return to the Federal Government. The Fund is used to pay the expenses incurred during completion of the forfeiture action. Later, any receipts from the disposal of the property are used to replenish the Fund. Under current law, proceeds from all forfeitures under any law enforced and administered by the Department of Justice are generally deposited in the Fund, including proceeds from the sale of assets seized by the U.S. Postal Service and the U.S. Park Police. There are also statutory exclusions for certain fish and wildlife statutes, the proceeds from administrative forfeitures by the non-Justice agencies, and the net proceeds from forfeitures under FIFACA. Once property is sold, the equitable interest, if any, earned by direct participation in the case, is distributed to the appropriate State and local law enforcement agencies. Often, in lieu of sale or property, the property is placed into official use by a participating State and local law enforcement agency or by a Federal agency.

Beginning in 1984, pursuant to General Provisions included in Public Law 102-393, the 1993 Department of the Treasury Appropriations Act, Treasury agencies formerly participating in the Department's fund now participate in the Treasury forfeiture fund, depositing assets with Treasury custodian pending forfeiture, after which forfeited proceeds will be deposited into the Treasury fund except in those instances where the seizure resulted from a joint operation involving a Justice bureau in which case, a sharing of the proceeds with the Department of Justice Assets Forfeiture Fund will occur. Efforts to coordinate the practices and policies of both funds continue in order to ensure the vitality and integrity of this important law enforcement tool.

ANNUAL PERFORMANCE GOALS:

The following performance measures have, traditionally, been identified in the Fund's annual financial statements, after the close of the fiscal year. With regard to the number of assets in inventory and their value, annual objectives are not established in advance of a fiscal year in order to avoid even the appearance of targeting or a "speed trap" approach to forfeiture. Additional performance measures will be developed after the Consolidated Asset Tracking System (CATS) is fully implemented.

¹ Previously, petitions from innocent third parties were investigated and answered following a forfeiture determination, and after sale of the asset. New policy issued by the Department of Justice allows for payment of liens and mortgages prior to sale of the forfeited asset. Another more recent policy allows, in certain limited instances, for the settlement of third party claims prior to forfeiture of the seized asset. This policy was issued to further protect the interests of innocent owners.

ANNUAL PERFORMANCE GOALS (CONTINUED):	1994		1995		1996	
	ACTUAL	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE	ESTIMATE
Assets in Inventory, end-of-year.....	21,963		22,000		22,000	
Value of Assets in Inventory, end-of-year.....	\$1,567,295,472		\$1,635,000,000		\$1,635,000,000	
Total Deposits to Assets Forfeiture Fund.....	\$549,933,346		\$514,000,000		\$514,000,000	
Value of Property Placed Into Official Use By Federal, State, and Local Agencies.....	\$14,442,182		\$15,000,000		\$15,000,000	
Level of proceeds generated from the sale of forfeited property.....	\$169,510,516		\$135,000,000		\$140,000,000	
Level of expenses incurred to generate these proceeds.....	\$53,320,000		\$59,000,000		\$59,000,000	
Ratio of asset management and disposal costs to the disposed property value.....	29.2%		32.6%		31.4%	
Ratio of Equitable Sharing Payments to Net Income.....	46.1%		45.0%		45.0%	
Net Return to Asset Forfeiture Program.....	\$336,048,000		\$318,000,000		\$333,629,000	

RECEIPTS

For 1996, the Department estimates that receipts to the fund will be about \$514,000,000, the same level projected for 1995. This amount includes estimates of: \$335,000,000 in forfeited cash, \$140,000,000 in proceeds from the sale of property, \$29,000,000 in interest income generated through the investment of seized and forfeited cash and unobligated amounts deposited to the fund throughout the year, and \$10,000,000 in other miscellaneous income. The investment income includes \$14,000,000 earned from BCCI cash on deposit. BCCI interest earnings are subject to distribution by court order and are not available for operational costs of the fund. Factors considered in arriving at the total 1996 net income estimate include:

- (1) The level of production of Assistant U.S. Attorneys (AUSA), Investigative Agents, and U.S. Marshals Service (USMS) personnel in handling seizures and forfeitures, and of contract personnel providing processing support to the program has stabilized. With the exception of an extraordinary case, it does not appear we can anticipate a major growth rate in recurring receipts unless more investigative workyears are directed to cases that result in deposits to the fund. Budget constraints in 1996 may result in a slight reduction to enforcement efforts leading to seizures. It is premature to estimate a financial impact on fund receipts from possible budget reductions, however, the situation will be monitored closely.
- (2) The value of seized inventory, with the exception of seized assets related to the BCCI matter, has been fairly stable over the past three years. Cash is down a percentage of the total as the result of the change in administrative forfeiture limits enacted in 1990. Also, following the Supreme Court's decision in the James Daniel Good matter, real property may not be seized absent exigent circumstances, without incurring the expense of the proposed seizure and an opportunity for an adversarial hearing. This may impact the number of real properties seized by the Department. Meanwhile, the fund is moving toward a greater cost to income ratio as the result of this change in the mix of inventory. The total inventory of seized property decreased by 18 percent during 1994. Real properties, alone, decreased by 45 percent during 1994. In FY 1994, the number of real properties on hand decreased by an average rate of about 150 properties per month. This results most likely from a combination of the policy stemming from the Good decision. Lower interest rates that may have improved the sale of real properties held in inventory, and a portion of the assets were transferred to the custody of the Treasury forfeiture fund pursuant to P.L. 102-393, which established the Treasury forfeiture fund, when a Treasury bureau was the lead agency.

- (3) The rate of growth in receipts from the proceeds of sale has stabilized. In 1995, the USMS received 60 new positions to perform property management and contract administration functions for the asset forfeiture program in lieu of part-time efforts by Deputy Marshals. This should provide additional support to the liquidation of forfeited property.
- (4) The increased emphasis on money laundering and international forfeitures should generate substantial additional receipts annually. Hundreds of millions of dollars in illegal proceeds have been secreted overseas. If progress is made in piercing the international banking veil, more of these funds will be subject to repatriation and forfeiture. While the repatriation of assets is not currently a significant source of fund receipts, the Department has made significant progress in recent years in explaining and convincing foreign governments that such cooperation is in their best interests.
- As of December 31, 1994, a total of 102 countries have signed and ratified the Vienna Convention which provides, inter alia, for forfeiture assistance in drug and drug-related (i.e., money laundering) cases. Already, countries are allowing the "extradition" of assets for forfeiture by United States law enforcement. Of course, part of the receipts will be shared internationally. FY 1992 international sharing totaled \$12.4 million; in FY 1993, international sharing totaled over \$11 million; and FY 1994 international sharing totaled \$6.7 million. These efforts will be reinforced in the program's international training programs. Continued success in international forfeitures is expected during 1995.
- (5) Significant forfeiture talent will be engaged in the search for, and forfeiture of, assets pilfered from savings and loan institutions. In this area, the recovered assets will only be deposited to the fund to the extent necessary to cover costs. Any surplus will be returned to the institution. If solvent, or to the insurance trust fund. Thus, the fund will receive no benefit from these cases. Thus, millions of dollars in forfeitures that, under other circumstances, would be reported as receipts for the fund, will be directed to other repositories. A similar situation exists with respect to forfeitures under various white collar crime statutes. In these cases, seized assets are usually directed to victims as restitution. Rarely does the value of assets seized exceed the amount of restitution due identifiable victims. This is the case with the Bank of Credit and Commerce International S.A. (BCCI) matter. Although it is anticipated that over \$500 million will be seized in this case, the fund will not benefit from these resources.
- (6) On the state level, more states are implementing legislation that would obviate the need for the Federal Government to "adopt" assets for forfeiture in order to effect the law enforcement aspect of the seizure. Currently, adoptions compose about 20 to 25 percent of DEA's forfeitures. To the extent that states implement their own forfeiture authority, this may result in a reduction Federal forfeiture receipts that result from adoptive seizures.
- (7) With the implementation of the major investigations strategy by the Drug Enforcement Administration (DEA) in 1992, forfeiture values have escalated. Major, innovative operations have successfully targeted large international drug trafficking cartels whose illegal activities stretch across national and international borders. Record asset seizures and forfeitures have resulted from DEA's continued thrust at dismantling these international drug networks in the United States, Colombia, Mexico, Italy, Spain and Hong Kong, to name a few. Although the number of forfeitures by DEA in 1994 decreased, the average value of an individual forfeiture increased 47 percent, from an average of \$24,300 in 1993, to an average forfeiture amount of \$35,800 in 1994.

PROGRAM OPERATIONS EXPENSES

Indefinite (mandatory) authority

	FY 1993 Estimate	FY 1994 Estimate	FY 1995 Estimate	INCREASE/DECREASE
1. Management and Disposal of Seized Assets	\$4,000,000	\$4,000,000	\$4,000,000	\$1,000,000

The increase of \$1,000,000 provides for price increases of about two percent across the broad range of expenses in this category, including contracts nationwide. While this percentage appears low, asset seizure and forfeiture costs will increase from the existing assets held associated with the good decision, and less real property held in inventory. The primary purpose of the Department's asset forfeiture fund is to ensure an adequate and appropriate source of funding for the management and disposal of seized and forfeited assets. These expenses must be paid by seizing agencies out of operating budgets funded by taxpayer dollars. The fund puts criminals' money to work for the taxpayer.

Other more nominal increases are reflective of higher rates charged for services and movement to more comprehensive management and maintenance services. Expenses for custodial storage increased from \$8 million in 1989 to about \$15.7 million in 1994. In 1996, custodial storage costs are expected to remain at about \$15 million. In addition, custodial and guard services totalled over \$5.7 million in 1996. These costs are expected to remain at about \$5 million in 1996. At the end of 1996, the value of inventory in the categories of real property, businesses, vehicles, aircraft and other property totalled \$633.9 million. Continuing as the result of a General Accounting Office audit of the program's management of commercial real properties, additional services have been procured, at added cost, to further ensure proper management and efficient disposal of these properties. Contracts are already in place in many areas of the country. Offsetting these increases in the future will be the somewhat smaller real property inventory stemming from the good decision as fewer properties are seized prior to forfeiture.

Another important area requiring funding is the assessment, containment and removal of hazardous waste from seized property. The estimate for 1996 includes \$10.5 million for this activity, compared to about \$9.5 million in 1994. The USAS and DEA will continue to utilize the Fund for disposal of toxic and hazardous substances. The Fund has been instrumental in allowing for the development of an environmentally-conscious method for hazardous waste disposal. These costs include the expenses of packaging, transporting and destroying precursor chemicals and other hazardous materials seized at clandestine laboratories by certified hazardous waste disposal firms. The Department of Justice is also using the Army Corps of Engineers, on a reimbursable basis, to provide site surveys and assessments of environmental damage on seized properties with suspected hazardous waste contamination. The Corps also provides estimated costs for the clean up of such properties. This service facilitates more informed decisions on the forfeiture or release of such property.

Despite these increases, the Department of Justice has demonstrated remarkable progress in cost containment. For example, in 1989, the Fund received \$58.9 million in proceeds from the sale of property. This represented 1.9 times asset management and disposal costs. In 1990, 1991, 1992, 1993, and 1994, proceeds from the sale of property represented 2.4, 2.5, 2.6, 3.1 and 3.9 times asset management expenses, respectively. Projections for 1996 indicate a coverage ratio of 3.0 for that year despite moderate cost increases.

	FY 1995 Estimate	FY 1996 Estimate	Increase/Decrease
Other Asset Specific Expenses	\$60,000,000	\$70,500,000	\$10,500,000

2.

This category includes payments of amounts to satisfy third-party interests, including lienholders and other innocent parties, pursuant to 28 U.S.C. 524(c)(1)(D), payments in connection with the remission and mitigation of forfeitures, pursuant to 28 U.S.C. 524(c)(1)(E), and direct expenses incurred in perfecting the forfeiture. Normally, payments of liens are deducted directly from sales proceeds, using procedures customary in real estate settlements. However, in some cases, forfeited cash and proceeds from the sale of forfeited property are first deposited to the fund and then disbursed to innocent lienholders. Payments of innocent third party interests totalled \$14.9 million in 1991, \$27.5 million in 1992, \$68.6 million in 1993, and \$50 million in 1994. Figures shown for 1993 and 1994 include third party payments related to the *U.S. v. McInerney* matter. The estimated cost of paying third party interest expenses for 1996 totals \$55,500,000, and includes \$11.6 million in third party payments related to the *U.S. v. McInerney* case. The trend in non-McInerney third party interest payments reflects revised policy that authorizes the payment of liens and mortgages prior to sale of the forfeited asset. The new policy will also avoid payment of interest on outstanding liens and mortgages following the date of forfeiture. However, it will also reduce the number of cases in which the lien or mortgage was deducted from sale proceeds prior to deposit into the fund. This will result in both higher deposits and higher payments.

Also included in this expense category is an estimate of \$15 million for expenses associated with the prosecution of a forfeiture case or execution of a forfeiture judgment, such as advertising, travel and subsistence, court and deposition reporting, courtroom exhibit services, and expert witness costs. In appropriate cases, the services of forensic counsel may be necessary. In this area, advertising is the single most significant expense. Under current law, the Department must advertise each seizure three consecutive weeks in a newspaper of general circulation in the area of the seizure. This is in addition to the cost of direct notice to all putative claimants by certified mail or other means. Thus, this expense is directly related to the volume of seizures. In 1993, advertising expenses totalled approximately \$6 million. Efforts to obtain more competitive rates for this advertising have resulted in cost savings, though for 1996, advertising expenses are expected to remain at about \$7 million. It is essential that these expenses be met in order that the asset title conveys properly, at the same time ensuring due process rights of citizens.

3. **Equitable Sharing Payments**
- | | | | |
|--|-------------------------|-------------------------|--------------------------|
| | <u>FY 1995 Estimate</u> | <u>FY 1996 Estimate</u> | <u>Increase/Decrease</u> |
| | \$25,000,000 | \$25,000,000 | ... |
- Equitable sharing payments represent the transfer of portions of federally forfeited cash, and proceeds from the sale of forfeited property, to state and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. Most task force cases, for example, result in property forfeitures whose proceeds are shared among the participating agencies. A substantial number of cases by the Federal Bureau of Investigation (FBI) and DEA include participation by state and local law enforcement agencies. The FBI estimates that approximately 60 percent of its cases, involving about 40 percent of asset value, involve state and local agencies. For DEA, about 70 percent of its cases, involving about 50 percent of asset value, involve sharing. As more joint task forces were formed between federal, state and local agencies, the percentage of net proceeds shared increased over the years. The level of equitable sharing workload of the USMS also reflects this trend. In 1985, the USMS executed 1,327 sharings. By 1995, the number of sharings is expected to remain at or about 30,000 per year. From 1989 through 1994, sharing payments averaged about 45 percent of net income. In 1995, this trend continues.
4. **Special Contract Services**
- | | | | |
|--|-------------------------|-------------------------|--------------------------|
| | <u>FY 1995 Estimate</u> | <u>FY 1996 Estimate</u> | <u>Increase/Decrease</u> |
| | \$41,000,000 | \$43,000,000 | \$2,000,000 |
- The Department of Justice asset forfeiture program is making extensive use of contract personnel to manage the massive paper flow associated with forfeiture. During 1994, the Department placed over 850 contract personnel nationwide to perform data entry, data analysis, word processing, file control, file review, quality control, case file preparation and other process support functions. These workers have become an integral part of the asset forfeiture program. Without this contract support, it would be impossible to maintain automated data bases, process the tens of thousands of equitable sharing requests, or maintain the tens of thousands of forfeiture case files. For all practical purposes, the forfeiture program would grind to a halt. Income to the fund would reduce to a trickle, expenses for maintenance and storage would increase, and the market value of property languishing in inventory would be adversely affected. The increase identified for 1996 provides for nominal increases in the contract, as well as for some additional contract support of the program. The increase represents an adjustment of less than five percent.
5. **ADP Equipment**
- | | | | |
|--|-------------------------|-------------------------|--------------------------|
| | <u>FY 1995 Estimate</u> | <u>FY 1996 Estimate</u> | <u>Increase/Decrease</u> |
| | \$30,000,000 | \$16,000,000 | -\$14,000,000 |
- The major information systems development plan initiated in 1990 will be implemented in 1995. From an automation viewpoint, 1995 will be a major milestone for the asset forfeiture program. The nationwide Consolidated Asset Tracking System (CATS) will provide telecommunications and processing capabilities that will tie together all agencies involved in the Department of Justice asset forfeiture program. Existing agency data bases will be converted to CATS operating procedures will be updated, system users will be re-trained, and parallel testing will be conducted. For the first time, on a full-year basis in 1996, the Department of Justice will be able to prepare complete reports on all asset forfeiture activity on a contemporaneous basis. Investigative and prosecutive agencies will have available the actual results of their efforts, and office, agency and Department managers will be able to assess the efficiency of the forfeiture program and estimate future program results in a more informed manner. With the migration of the U.S. Marshals Service to the Department's Financial Management Information System (FMIS), the Department will be able to produce more informative financial statements that reflect the full economic activity of the asset forfeiture program.
- CATS will tie several hundred locations together into a national telecommunications network, provide modern technology to perform many tasks currently done manually or to make automated tasks more efficient, eliminate redundant entry of information, provide consistency among the agencies performing the same functions, provide current information to field personnel on the status and results of their cases, integrate financial analysis capabilities into the inventory management process, provide a rational process for the estimation of program income and expenses, provide a formal basis for the assessment of staffing requirements, and provide the capability for agency and Department managers to review and assess program activity on a continuous basis.
- Due to the broad scope and the extraordinary complexity of this development project, it is estimated that design, development, pilot testing and evaluation will continue throughout 1994 and into 1995. Funds requested for 1996 will provide for: (1) recurring costs of operation and

maintenance of the CATS telecommunications network; (2) recurring costs of system and equipment maintenance; (3) recurring costs of user training; (4) recurring costs of the user support facility (e.g., a "help" line); and (5) data center charges in support of the network. The amount requested for 1996 represents a reduction of \$14,000,000 from 1995 estimates as the result of nonrecurring development costs.

EX 1995 Estimate	EX 1996 Estimate	INCREASE/DECREASE
\$5,500,000	\$5,500,000	...

6. Training and Printing

Training on forfeiture and forfeiture-related subjects will continue to be a priority due to the constant evolution and development of asset forfeiture law and policy, and because of the addition of new staff. Funding provides for a variety of essential training: for tailored agency courses, such as DEA's Asset Removal Training, which focus on particular aspects of agencies' procedures; for basic and advanced legal training for U.S. Attorneys' staffs; and for multi-agency Federal as well as Federal, state, and local agencies inter-disciplinary seminars that ensure proper coordination and cooperation exist. Due to the availability of fund monies, forfeiture training has been integrated into topical training activities, such as money laundering, financial investigations, FIREA, Organized Crime Drug Enforcement Task Forces, and international cases. This outreach is extremely important. Relatively few positions are dedicated solely to the forfeiture program. If the full value of this sanction is to be realized, the Department must reach the thousands of agents and attorneys and teach them to integrate asset seizure and forfeiture into their normal patterns of case development. This can only be done through an effective and aggressive training program. In order to expand the outreach program, the Department is also developing a series of training sessions for state and local law enforcement personnel involved in asset forfeiture. The close working relationship between Federal and state law enforcement must be recognized through sufficient efforts to ensure that state and local law enforcement personnel are trained properly in the use of the powerful law enforcement tool of asset forfeiture. This is in the best interest of citizens rights and, therefore, the asset forfeiture program.

The Department is using the Law Enforcement Coordinating Committee (LECC) coordinators to provide instruction in the field with respect to the equitable sharing program. It will be necessary to acquaint state and local agencies, as well as the coordinators, with changes in Federal forfeiture laws and department procedures. Training is needed in new techniques to be used in developing financial investigations. Improved record keeping can lead to assets that can be forfeited under RICO and the substantive money laundering statutes. In addition, many districts will hold local training programs.

The Criminal Division and the U.S. Attorneys will continue to sponsor 6-10 training conferences per year, including basic and advanced seminars for forfeiture attorneys, training courses for all support personnel, and specialized criminal and civil forfeiture courses for select AUSAs, etc. This request also includes funding for three money laundering conferences, support for conferences put on by other Federal, state, and local law enforcement agencies, and up to four international conferences. Printing costs reflect the continuing need to provide current legal advice and support by updating and distributing its forfeiture manual, and for printing numerous pamphlets directly relating to forfeiture issues, policies, and procedures.

The USMS will conduct real estate training, regional asset management seminars, basic asset management training for new employees, and other specialized training. In 1996, USMS continued its forfeiture training conferences for field personnel, where training is especially important to establish uniformity among the 33 IRS District Offices, 22 sectors, and 200 Ports of Entry. Continuing in 1996, DEA provided asset removal training to several hundred students. Attendees include DEA agents, state and local officers, and officials from other Federal agencies. In 1996, DEA will continue forfeiture training to include its own agents, diversion investigators, and intelligence analysts, as well as many state and local law enforcement personnel as resources permit. The immediate value of such training should not be underestimated in terms of law enforcement benefits and proceeds to the fund. Individuals successfully completing asset removal training become directly involved in the identification, tracking, evaluation, seizing and processing of assets subject to forfeiture. The same is true for attending this training to reach state and local law enforcement personnel, and foreign law enforcement personnel, who frequently work jointly with participating agencies. In addition, it is important to ensure that where there are joint Federal and state law enforcement endeavors, that state and local law enforcement personnel have had adequate training in lawful search and seizure, probable cause, and other law enforcement training important to ensure that the rights of citizens are protected. The FBI trains several hundred Federal, state and local officers in forfeiture subjects each year. In 1996, the FBI again plans to conduct Forfeiture Asset Seizure Team conferences for 220 members, forfeiture training programs in 10 field offices to reach another 250 students, six regional training classes on

specialized topics, and two regional forfeiture training programs for paralegal specialists.

7. Other Program Management Expenses

FX 1995 Estimate \$12,000,000
FX 1996 Estimate \$12,000,000
INCREASE/DECREASE ...

This category includes several types of expenses that are important to the overall management of the asset forfeiture program. This funding will provide for management analysis, performance assessment, problem analysis, requirements analyses, policy development, and other special projects designed to improve program performance. This funding will provide travel and per diem funds for temporary duty assignments needed to correct program deficiencies. In addition, the Department plans to establish a task order contract with one or more national accounting services firms. When the USMS learns that seizure of a business is imminent, they will be able to prepare a task order to obtain the professional services needed to conduct a valuation of business inventory, to complete an assessment of assets and liabilities of the business, or to perform other related services to facilitate informed decisions on the management and disposal of the seized business. Other activities to be funded under this heading include the annual audit of financial statements of the Assets Forfeiture Fund and the Seized Asset Report, and an independent accounting firm, and special assignments and reviews. A policy goal of the Department is to establish a policy requiring annual audits of this fund. Such audits are now also required by ACPA. In 1995, the Department completed the audit of the fund, and continuing in 1996, has resulted in additional increases to management activities. Up to \$4 million of the increase reflects the decision to fund non-personnel costs of the U.S. Marshals Service Seized Asset Division from fund resources, expenses previously paid from the U.S. Marshals Salaries and Expenses appropriation.

8. Contracts to Identify Assets

FX 1995 Estimate \$3,500,000
FX 1996 Estimate \$4,000,000
INCREASE/DECREASE \$500,000

In 1994, the Department approved funding of \$3,495,000 for fund participants to procure contracts to aid in the identification of forfeitable assets. In the past, the FBI used the funds to pay for subscription services to nationwide public records data systems, and DEA established a program in field divisions to permit acquisition of specialized assistance such as reconstruction of seized financial records. Both approaches were successful and have been expanded. This funding offers significant resources toward a tool that will enhance the ongoing effectiveness of forfeiture as a law enforcement tool. Frequently assets obtained with ill-gotten gains are discovered only with the aid of sophisticated data bases. With more flexible authority to fund this type of service, the forfeiture program will make strides in its efforts to dismantle crime syndicates and put the proceeds back into continuing law enforcement efforts.

The resources requested for 1996 will be used to identify assets during the investigative stage of the case where such research will both significantly impact income to the fund, and also the plea bargaining position of alleged criminals. If the government can improve upon the identification of ill-gotten assets, the invidious nature of the criminal wrongdoing can be better demonstrated and reinforced before the jury. Such evidence stands to result in stiffer penalties for hard-core criminals who may have dodged such penalties in the past by successfully concealing such assets, only to be released to continue in and finance further criminal activities with such assets. It is just this kind of "criminal financing" that the forfeiture laws are intended to derail.

9. Storage, Protection, and Destruction of Controlled Substances

FX 1995 Estimate \$1,000,000
FX 1996 Estimate \$1,000,000
INCREASE/DECREASE ...

This is an uncontrollable asset-specific expense consisting of the costs of warehousing and guarding controlled substances, and the costs associated with the removal, transportation, and destruction of these substances. This funding has also been used to purchase safes for the storage of controlled substances.

10. Joint Federal/State and Local Law Enforcement Operations
- | | | | |
|--|------------------|------------------|-------------------|
| | FY 1995 Estimate | FY 1996 Estimate | INCREASE/DECREASE |
| | \$25,000,000 | \$25,000,000 | ... |
- Public Law 102-393, referred to as the 1993 Treasury Appropriations Act, amended Title 28 U.S.C. 524(c), erecting new authority for the assets forfeiture fund to pay for "investigation, travel, food, training, equipment, and other direct costs of either local law enforcement officers that are incurred in joint law enforcement operations with Federal law enforcement officers participating in the fund." Such cooperative efforts have significant potential to benefit both Federal and state and local law enforcement efforts. The Department has implemented policy for the allocation of resources for this new authority, and during 1994 \$10.4 million of this new authority was provided to the Administration's Used and Seized program. In 1995 and 1996, providing receipts materialize as projected, up to \$16 million is anticipated to be made available to fund overtime expenses of state and local law enforcement officers participating in federal task forces, and \$9 million is planned for continued support of Used and Seized initiatives nationwide. Such expenditures are fully consistent with the Attorney General's top program priorities including those efforts to reduce violent crime, and to reduce the insidious expansion of organized crime, among others.

INVESTIGATIVE EXPENSES

Definite, nonappropriated (discretionary) authority

1. Awards for Information and Purchase of Evidence
- | | | | |
|--|------------------|------------------|-------------------|
| | FY 1995 Estimate | FY 1996 Estimate | INCREASE/DECREASE |
| | \$36,000,000 | \$35,000,000 | ... |
- The two categories of awards payable from the fund directly support law enforcement efforts by encouraging the cooperation and assistance of informants. The two categories are: (1) for information or assistance related directly to the forfeiture of property; and (2) for information or assistance related to a violation of criminal drug laws, including information leading to the arrest and conviction of anyone who kills or kidnaps a Federal drug law enforcement agent. The fund may also be used to purchase evidence of violations of the drug laws, of RICO, and of criminal money-laundering laws.
- Payment of awards to sources of information creates tremendous motivation for individuals to assist the government in the investigation of criminal activity and the seizure of assets. Many cases would be impossible to bring to trial without the use of cooperating individuals. Even where the government has reason to believe criminal activity is occurring, an inside informant can facilitate the cost effective deployment of scarce investigative resources to obtain the greatest results. For example, Operation Green Ice, the code name for a joint Department of Justice, Customs and Border Protection, and Immigration and Naturalization Service investigation of money laundering, Operation Green Ice, and other operations that have used informants have resulted in the global disruption of drug cartels in Colombia. Undercover agents have been used to infiltrate and use informants to identify and shut down drug trafficking organizations in the world. These expense categories would be used in support of among the Attorney General's highest priority programs, and represent resources that will become increasingly precious as law enforcement budgets are curtailed to meet deficit reductions goals. It is imperative that investigative authority of the fund remain at a viable level.
2. Equipping Conveyances
- | | | | |
|--|------------------|------------------|-------------------|
| | FY 1995 Estimate | FY 1996 Estimate | INCREASE/DECREASE |
| | \$19,000,000 | \$19,000,000 | ... |
- This category provides funding to equip conveyances for law enforcement functions. This funding has been used for emergency and communications equipment, voice privacy and surveillance equipment, armor, and engine upgrades and avionics equipment for aircraft. Further, the funding has been utilized for special projects such as Operation SHOCKAP, and other drug enforcement activities. In 1994, funding has been used to equip various aircraft to provide highly sophisticated investigative ability, and to otherwise retrofit aircraft to meet new safety requirements where funding of the federal agency owning the aircraft might have forced the aircraft to be grounded pending resource availability to meet the requirements. By the end of 1994, fund resources will have been used to equip hundreds of new, seized and forfeited vehicles to make them suitable for surveillance and other law enforcement purposes. Fund resources have also been used to equip

specialized surveillance vehicles, the cost of which equipping can easily exceed \$50,000 per vehicle. Given the great expense involved, it is only through fund resources that many of these surveillance vehicles are afforded to the field districts that need them. DEA uses the surveillance vans as stationary and mobile platforms to conduct surveillances and gather intelligence for major drug investigations. The intelligence gathered from a surveillance is the cornerstone of any case against most major drug violators. In addition, evidence obtained through the use of such surveillances often provides the audio and video documentation necessary to convict major violators. These funds have been used in support of the Attorney General's expressed highest priority, including, but not limited to apprehending illegal immigrants, in the last two years, alone, more than 84 million dollars have been allocated to the migration and transportation services to equip law enforcement with the sophisticated equipment needed to apprehend and prosecute illegal immigrants. It is essential that there be a significant benefit to law enforcement to make unforseen equipping emergencies through these resources. It is essential that investigative authority of the fund not deteriorate further to avoid loss of this valuable support.

Assets Forfeiture Fund				
Summary of Requirements by Object Class				
(Dollars in thousands)				
Object Class	1994 Actual	1995 Estimate	1996 Estimate	Increase/ Decrease (-)
11.1 Full-time permanent.....	...	...	...	...
11.3 Other than full-time permanent.....	...	...	...	...
11.8 Special personal services payments.....	849	...	...	...
Total, personnel compensation.....	494	800	800	...
12.1 Personnel benefits.....	24,033	15	15	...
21 Travel and transportation of persons.....	7,700	7,500	7,500	...
22 Transportation of things.....	711	750	750	...
23.1 Rental payments to GSA.....	1,207	4,000	4,000	...
23.2 Rental payments to Others.....	3,600	4,000	4,000	...
23.3 Communications, utilities and misc. charges.....	2,994	8,700	8,700	...
24 Printing and reproduction.....	229	425	425	...
25.1 Consulting services.....	15,607	15,000	15,000	...
25.2 Other services.....	457,274	463,838	454,127	-9,711
26 Supplies and material.....	190	495	495	...
31 Equipment.....	11,774	6,188	6,188	...
42 Insurance claims.....	398	...	...	...
43 Interest and dividends.....	890	...	...	...
Total obligations.....	527,181	511,711	502,000	-9,711
Relationship of obligations to outlays:				
Obligated balance, start-of-year.....	250,442	420,994	190,770	
Obligated balance, end-of-year.....	-420,994	-190,770	-116,699	
Outlays.....	350,629	741,935	576,071	

Department of Justice
 Radiation Exposure Compensation
 Payments to the Radiation Exposure Compensation Trust Fund
 Estimates for Fiscal Year 1996
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Summary of Requirements by Grade and Object Class	7

Department of Justice
 Radiation Exposure Compensation
 Payments to the Radiation Exposure Compensation Trust Fund
 Summary Statement
 Fiscal Year 1996

The Radiation Exposure Compensation Trust Fund, hereafter referred to as the Fund, was established to permit the payment of claims to individuals exposed to radiation as a result of atmospheric nuclear tests and uranium mining in accordance with the Radiation Exposure Compensation Act of 1990 (P.L. 101-426). The Fund is available only for disbursement by the Attorney General. The Act, as amended by P.L. 101-510, authorizes a permanent indefinite appropriation of "such sums as may be necessary to carry out its purposes." Amounts appropriated are to remain available until termination of the Fund in 2012, 22 years after the date of enactment. Although the Attorney General is responsible for the payment of claims, the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act. The Department of Justice seeks appropriations on their behalf under functional classification 050 - Defense. The Attorney General has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program, hereafter referred to as the Program. Cumulatively, the Program received 4,445 claims, approved 1,974 awards, denied 1,949 claims (51 were on appeal) and made payments totaling \$136,800,000 through 1994.

Full-scale implementation of the Program began in April 1992. The Program saw a strong initial response -- 1,898 claims were received in 1992 in just six months of operations. New claim receipts stabilized in 1993 and 1994, totaling 1,340 and 1,207, respectively. This trend is expected to continue through 1995 and 1996, with new receipts estimated to average 90 per month, for a total of 1,080 each year.

Initially, the Program processed the most straightforward, meritorious claims. As a result, the 341 claims resolved in 1992 all resulted in approvals of awards to claimants, while no claims were denied. Since that time, the ratio of approvals to denials has become more representative of the relative merits of the pending workload. Once denial decisions were made in 1993, the processing of appeals became an important part of the Program's work -- 245 appeals were received in 1993 and another 253 appeals were received in 1994. Through 1994, 25 percent of the denial decisions had been appealed. To account for this expanded effort, Program workload statistics on page six include both claims and appeals. Furthermore, the pending workload has become increasingly more complex and more time-intensive to process as relatively fewer claims are found to be meritorious without supplemental information or investigation. In 1993, the Program resolved 2,352 claims and appeals, approving 942 for awards; in 1994, the Program resolved 1,677 claims and appeals, approving 691 awards.

The number of claims and appeals resolved has become relatively stable. Moreover, the proportion of claims approved is expected to remain fairly constant. In 1995, the Civil Division expects to resolve 1,325 claims and appeals, approving 555 for awards totaling \$41,625,000. In 1996, the Civil Division expects to resolve 1,251 claims and appeals, approving 525 for awards totaling \$39,400,000.

The award amounts drive the payment amounts, however, in any given year, payment totals may differ from award totals as a result of the timing of the actual payments. To make payments to claimants, the Trust Fund was appropriated \$30,000,000 in 1992 and \$170,750,000 in 1993, totaling \$200,750,000. Through 1994, a total of \$138,800,000 was paid to claimants. Payments in 1995 and 1996 are estimated to be \$44,018,000 and \$40,277,000, respectively. The balance of funds at the start of 1996 is expected to be approximately \$23,000,000. This amount, plus interest expected, will be sufficient to pay claimants through mid-1996. To cover payments through the remainder of 1996, the Civil Division requires an appropriation of \$16,264,000 for 1996 under the functional classification 050 - Defense.

Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Justification of Proposed Change in Appropriation Language

The 1996 budget estimate includes proposed change in the appropriation language listed and explained below. New Language is underscored and deleted matter is enclosed in brackets.

Payments to the Radiation Exposure Compensation Trust Fund
 For payment to the Radiation Exposure Compensation Trust Fund, \$16,264,000 to remain
 available until expended. (42 U.S.C. 2210 note.)

Explanation of changes:

No substantive changes proposed.

Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Grossals of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request		Congressional Appropriation Actions on 1995 Request		Reprogramming		1995 As Enacted	
	PoB.	Amt.	PoB.	M.Y.	PoB.	M.Y.	PoB.	M.Y.
Radiation Exposure Compensation Trust Fund	...	\$...	\$...	\$...

818

818

818818

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Department of Justice
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

1995 As Enacted			1996 Base			1996 Estimate			Increase/Decrease		
Pos.	NY	Ant.	Pos.	NY	Ant.	Pos.	NY	Ant.	Perm.	Pos.	NY

Radiation Exposure Compensation Trust Fund

...	...	\$...	\$...	\$16,264	\$16,264
-----	-----	-------	-----	-----	-------	-----	-----	----------	-----	-----	----------

LONG-RANGE GOAL: To provide for payments to eligible individuals who suffered specified illnesses as a result of exposure to radiation as outlined by the Radiation Exposure Compensation Act of 1990 and the National Defense Authorization Act for FY 1991.

MAJOR OBJECTIVES: To provide payments to individuals identified as eligible under the provisions of the Radiation Exposure Compensation Act of 1990 and the National Defense Authorization Act for FY 1991 and to protect the U.S. Treasury against unwarranted claims.

BASE PROGRAM DESCRIPTION: The Radiation Exposure Compensation Act of 1990 (P.L. 101-426) authorizes the appropriation of funds to establish a trust fund in the Treasury of the United States to provide payments of \$50,000 to individuals who lived downwind of nuclear test sites and developed certain specified diseases, and payments of \$100,000 to persons employed in uranium mines who developed certain diseases. The Act was amended by the National Defense Authorization Act for FY 1991 (P.L. 101-510) to include payments of \$75,000 to individuals who participated onsite in atmospheric nuclear tests and developed specified diseases. The Act authorizes a permanent, indefinite appropriation of "such sums as may be necessary to carry out its purposes." Funds appropriated are available only for disbursement by the Attorney General and are to remain available until termination of the Fund in 2012, 22 years after the date of enactment. Although the Attorney General is responsible for the disbursement of the Fund, the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act.

The Act requires that any claim award be offset by the amount of previous payments that were based on the same injuries incurred by the claimant for which the claim under the Act was submitted. Examples of these offsets are disability and survivor's payments made by the Department of Veterans Affairs (VA), litigation awards, and certain payments made by the Social Security Administration (SSA). Due to these offsets, the dollar value of claim awards will not always be in the amounts of \$50,000, \$75,000, or \$100,000. Moreover, the acceptance of payments under the program is a final settlement of all claims of or on behalf of an individual against the United States. Since \$100,000 is the maximum program award, eligible claimants may prefer the financial advantages of lifetime annuities paid by the VA or SSA.

ACCOMPLISHMENTS AND WORKLOAD: The workload of the Radiation Exposure Compensation Program is presented in the following table:

Radiation Exposure Compensation Program: Claims, Appeals and Dollar Value¹
(Dollars in thousands)

	1992 Actual ²		1993 Actual		1994 Actual		1995 Estimate		1996 Estimate	
	Number	Dollar Value	Number	Dollar Value	Number	Dollar Value	Number	Dollar Value	Number	Dollar Value
Claims and Appeals										
Downwinders										
Pending, Beginning of Year	0	\$0	691	\$34,550	304	\$15,200	139	\$6,950	75	\$3,750
Claims and Appeals Received	849	42,450	762	38,100	503	25,150	492	24,600	489	24,450
Claims and Appeals Approved	158	7,900	521	26,050	320	16,000	255	12,750	241	12,050
Claims and Appeals Denied	0	0	628	31,400	348	17,400	301	15,050	268	13,400
Pending, End of Year	691	\$34,550	304	\$15,200	139	\$6,950	75	\$3,750	55	\$2,750
Onsite Participants										
Pending, Beginning of Year	0	\$0	186	\$13,950	116	\$8,700	75	\$5,625	75	\$5,625
Claims and Appeals Received	186	13,950	253	18,975	247	18,525	200	15,000	198	14,850
Claims and Appeals Approved	0	0	52	3,900	54	4,050	45	3,375	42	3,150
Claims and Appeals Denied	0	0	271	20,325	234	17,550	155	11,625	165	12,375
Pending, End of Year	186	\$13,950	116	\$8,700	75	\$5,625	75	\$5,625	66	4,950
Uranium Miners										
Pending, Beginning of Year	0	\$0	680	\$68,000	370	\$37,000	359	\$35,900	337	\$33,700
Claims and Appeals Received	863	86,300	570	57,000	710	71,000	547	54,700	544	54,400
Claims and Appeals Approved	183	18,300	369	36,900	317	31,700	255	25,500	242	24,200
Claims and Appeals Denied	0	0	511	51,100	404	40,400	314	31,400	293	29,300
Pending, End of Year	680	\$68,000	370	\$37,000	359	\$35,900	337	\$33,700	346	\$34,600
Total										
Pending, Beginning of Year	0	\$0	1,557	\$116,500	790	\$60,900	573	\$48,475	487	\$43,075
Claims and Appeals Received	1,898	142,700	1,585	114,075	1,460	114,675	1,239	94,300	1,231	93,700
Claims and Appeals Approved	341	26,200	1,942	66,850	691	51,750	555	41,625	525	39,400
Claims and Appeals Denied	0	0	1,410	102,825	986	75,350	770	58,075	726	55,075
Pending, End of Year	1,557	\$116,500	790	\$60,900	573	\$48,475	487	\$43,075	467	\$42,300
Payments										
		\$22,404		\$55,867		\$60,529		\$44,018		\$40,277

¹ The format has been revised to include both claims and appeals. Subsequent to OMB approval of the 1996 President's Budget appendix materials, updated information resulted in revisions to the 1995 and 1996 estimates for "Claims and Appeals Approved" and "Claims and Appeals Denied."

² The Program began in April 1992.

Civil Division
Radiation Exposure Compensation
Payments to the Radiation Exposure Compensation Trust Fund
Summary of Requirements by Grade and Object Class
(dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease Positions & Workyears	Amount
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount		
11.1 Full-time permanent.....	...	...	...	...	...	...	...	...
11.3 Other than full-time permanent.....	...	...	...	...	...	...	...	...
11.5 Other personnel compensation.....	...	...	...	...	...	...	...	...
11.8 Special personal services payments.....	...	...	...	...	...	...	...	...
Total.....	...	...	...	...	...	...	...	...
Reimbursable workyears:								
Other than permanent.....	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
Other objects:								
12 Personnel benefits.....	...	...	...	...	...	...	...	...
21 Travel and transportation of persons...	...	...	...	...	...	...	...	...
22 Transportation of things.....	...	...	...	...	...	...	...	...
23.1 GSA rent.....	...	...	...	...	...	...	...	...
23.3 Communications, utilities, and miscellaneous charges.....	...	...	...	...	...	...	...	...
24 Printing and reproduction.....	...	...	...	...	...	...	...	...
25 Other services.....	...	...	...	...	...	...	...	...
26 Supplies and materials.....	...	...	...	...	...	...	...	...
31 Equipment.....	...	...	...	...	...	...	...	...
41 Grants, Subsidies and Contributions...	60,529	...	...	44,018	40,277	...	(3,741)	...
42 Insurance Claims & Indemnities.....	...	...	...	...	...	...	...	...
Total obligations.....	...	60,529	...	44,018	...	40,277	...	(3,741)
Relation of obligations to outlays:								
Obligated balance, start-of-year.....	1,770	...	...	1,373	...	15,491	...	...
Obligated balance, end-of-year.....	(1,373)	...	...	(15,491)	...	(9,768)	...	...
Adjustments in expired accounts.....	...	...	...	...	...	...	...	...
Outlays.....	...	60,926	...	29,900	...	46,000	...	...

Note: To reflect the actual use of the Trust Fund resources, this chart is based on obligation data rather than budget authority.

¹ Subsequent to OMB approval of the 1996 President's Budget appendix materials, updated information resulted in revisions to the 1995 and 1996 estimates.

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Estimates for Fiscal Year 1996
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Department of Justice
 Radiation Exposure Compensation
 Administrative Expenses
 Summary Statement
 Fiscal Year 1996

The Radiation Exposure Compensation Act of 1990 offers an apology and monetary compensation to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. Payments to affected individuals come from the Radiation Exposure Compensation Trust Fund, hereafter referred to as the Fund, authorized by the Act. Although the program activities of the Department of Defense and the predecessors to the Department of Energy precipitated the need for the Act, the Attorney General is responsible for the disbursement of the Fund and has delegated the administration of the Fund to the Civil Division's Radiation Exposure Compensation Program, hereafter referred to as the Program.

To administer the Program, the Civil Division has provided new positions and funds through a direct allocation to the General Legal Activities appropriation in 1992. In order to more effectively reflect the administrative expenses associated with the Fund, in 1993 a separate appropriation was established by transferring funds from the General Legal Activities appropriation. The 1993 appropriation of \$2,722,000 (reduced to \$2,586,000 by a transfer to meet other urgent needs of the Department) was scored against the Defense classification, and through a reimbursable agreement, made available to the Civil Division under Object Class 25.0 (Other Services). In 1994, the appropriation was \$2,668,000.

For 1995, the Civil Division requested and received an appropriation of \$2,655,000, a \$13,000 reduction. This reduction reflected the impact of the lower processing costs associated with a projected decrease in filings and in the pending workload in 1995. Currently, the Program has 12 full-time permanent employees which include attorneys, paralegals, claims examiners, a nurse and a legal assistant. The Civil Division anticipates that the same level of resources, \$2,655,000, will be required in 1996 to process a comparable workload.

The Program was implemented in April 1992 when the staff was hired and the regulations, systems and procedures were put in place to process claims. Throughout the remainder of that fiscal year, the Civil Division received 1,898 claims, or, an average of 316 per month. Following this initial influx, new claims decreased to an average of 112 per month in 1993, while appeals received averaged 20 per month. Receipts stabilized in 1994, with an average of 101 new claims and 21 appeals received per month. In 1995 and 1996, the Civil Division expects to receive about 90 new claims and 13 appeals per month.

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request	Reprogramming	1995 As Directed
	Pos. NY Amt.	Pos. NY Amt.	Pos. NY Amt.
Radiation Exposure Compensation	...	...	...
Administrative Expenses	... \$2,655	...	... \$2,655

Department of Justice
Radiation Exposure Compensation
Administrative Expenses
Summary of Requirements
(Dollars in thousands)

	1994 As Enacted		1994 Actual		1995 As Enacted		1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Estimates by												
Budget activity	XX		XX		XX		XX		XX		XX	
Radiation Exposure												
Compensation												
Admin. Expenses	...	\$2,668	...	...	...	\$594 ¹	...	\$2,655	...	\$2,655	...	...
1995 As Enacted	...	...	...	...	...	...	...	...	...	...	...	...
1996 Base	...	...	...	...	...	...	...	...	...	...	\$2,655	2,655

Adjustments to base:

The Fund is used to compensate individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. In 1992, the Civil Division of the Department of Justice was appropriated funds to implement the program. Beginning in 1993, funding was scored against the Defense functional classification and made available to the Civil Division of the Department of Justice under Object Class 25.0 (Other Services).

¹ The President's Budget Appendix materials do not reflect year-end billings; additional obligations will be reflected as adjustments to expired accounts in 1995.

Department of Justice
 Radiation Exposure Compensation
 Administrative Expenses
 Justification of Program and Performance
 Activity Resource Summary
 (Dollars in thousands)

	1995 As Enacted			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	NY	Amt.	Perm.	NY	Amt.	Perm.	NY	Amt.	Perm.	NY

Radiation Exposure Compensation
Administrative Expenses

... \$2,655 ... \$2,655 ... \$2,655 ...

LONG-RANGE GOAL: To execute the Radiation Exposure Compensation Act of 1990 successfully, making accurate, timely payments for approved claims and protecting the U.S. Treasury against unwarranted claims.

MAJOR OBJECTIVES: To administer efficiently payments to individuals identified as eligible under the provisions of the Radiation Exposure Compensation Act of 1990 and to handle successfully any ensuing litigation.

BASE PROGRAM DESCRIPTION: The Radiation Exposure Compensation Act of 1990 (P.L. 101-426) offers an apology and monetary compensation to individuals exposed to radiation released during above-ground nuclear weapons tests and uranium mining. The Act establishes a trust fund in the U.S. Treasury to provide payments of \$50,000 to individuals who lived downwind of nuclear test sites and developed specified diseases as well as payments of \$100,000 to persons employed in uranium mines who developed certain diseases. The Act was amended by the National Defense Authorization Act for FY 1991 (P.L. 101-510) to include payments of \$75,000 to individuals who participated onsite in atmospheric nuclear tests and developed specified diseases.

Published in March 1992, program regulations were structured to minimize the documentation requirements for individual claimants while providing maximum possible protection against fraud and abuse. To receive compensation, a claimant need only prove that he or she resided in one of the specified areas during the specified time period, participated in or was downwind of a nuclear weapons test or was an employee in an uranium mine, and developed one of the designated ailments within a certain number of years. Additionally, should a claim be denied, a streamlined appeals process enables a claimant to seek review of a decision from the designated Appeals Officer within 60 days of the denial.

An extensive range of responsibilities is associated with administering the Program including: identifying possible claimants through effective publicity, expediting claims processing through attentive customer service and effective outreach activities, tracking claims automatically to facilitate Program management and administering trust fund operations to ensure that payments are accurate and timely. Highlights of the Program are given below:

Outreach to Claimants: As the result of an extensive publicity campaign, numerous press releases and a toll-free hot line, the Civil Division has received inquiries from over 9,000 potential claimants and has distributed claims packages to each of them. The Civil Division conducted several public forums for communities with a significant number of potential program claimants. At these forums, Program staff presented an explanation of the Act and implementing regulations, and responded to questions regarding the Program. Additionally, the staff provided handouts, regulations, claim forms and guidebooks, and publicized the toll-free phone number. Prior to the public forums, the DOJ Public Affairs Office contacted the media in the communities involved to publicize the events. The Program staff coordinated each public forum with members of the appropriate Congressional delegations or publicized the events. The Civil Division also has submitted notices about the Program to several oncology and radiation therapy programs. Additionally, the Program staff operated a booth for a week at the Navajo Nation Fair in September. The Program continues to provide extensive outreach by making key staff available on the Navajo Indian Reservation on a regular basis.

Customer Service: The Civil Division created claims forms and guidebooks for each of the three claimant categories. Substantial effort was expended to make the forms and guidebooks easily usable by persons without an attorney. The Civil Division also developed release forms to obtain information from state, Federal and private sources to assist claimants. In addition, the Civil Division designed a system for providing status information to claimants.

Automated Support: The Civil Division developed and implemented an automated system for tracking claims under the Radiation Exposure Compensation Act. Information about the claimants, victims, illnesses and radiation exposure is recorded in the database. The system tracks actions due and completed by the staff and generates tickler reports used to manage the workload, schedule processing and assure that claims are handled within the timeframe required by the Act. The system also generates automatically various letters and notices along with mailing labels to be sent to claimants. Management reports and statistics on claims processed and dollars awarded are also produced by the automated system.

ACCOMPLISHMENTS AND WORKLOAD:

Annual Performance Goals:

To send an "Acknowledgement" letter to 95 percent of claimants within five days of receipt of a claim.

To send a "Request for Information" letter to 95 percent of claimants within forty days of the "Acknowledgment" letter.

Performance Indicators:

Percent of "Acknowledgement" letters sent within 5 days

Percent of "Request" letters sent within 40 days

	1993	1994	1995	1996
Percent of "Acknowledgement" letters sent within 5 days	...	94	95	95
Percent of "Request" letters sent within 40 days	...	94	95	95

Factors Affecting Program Performance:

The "Acknowledgment" letter notifies claimants that a claim has been received, apprises them of their claim number and informs them of when they can expect to receive a decision. The more quickly the claimants are contacted, the more readily the most common questions are answered and the more opportunity they have to provide necessary documents and receive compensation. A "Request for Information" letter notifies claimants of deficiencies in a claim, and informs them of the information needed to fulfill eligibility criteria and receive compensation. The Radiation Exposure Compensation Program has challenged itself by setting performance indicators of 95 percent. Although 1994 results were shy of the mark, the Program will continue to strive for the optimum in service to claimants.

The workload of the Civil Division's Radiation Exposure Compensation Program is presented in the following table: ¹

	1993 Actual		1994 Actual		1995 Estimate		1996 Estimate	
	Number	Dollar Value	Number	Dollar Value	Number	Dollar Value	Number	Dollar Value
Claims and Appeals								
Pending, Beginning of Year	1,557	\$116,50	790	\$60,900	573	\$48,475	487	\$43,075
Claims and Appeals Filed	1,585	114,075	1,460	114,675	1,239	94,300	1,231	93,700
Claims and Appeals Approved	942	66,850	691	51,750	555	41,625	525	39,400
Claims and Appeals Denied	1,410	102,825	986	75,350	770	58,075	726	55,075
Pending, End of Year	790	\$60,900	573	\$48,475	487	\$43,075	467	\$42,300

In 1994, the Program's workload was 1,890 claims and 360 appeals. Of this workload, 1,677 claims and appeals were resolved, with 61 approved for awards. The pending workload has become increasingly more complex and the staff time required to process it has grown as relatively fewer claims and appeals are found to be meritorious without supplemental information or investigation. Thus, the Civil Division anticipates that 1,325 claims and appeals will be resolved from a 1995 workload of 1,812 and that 1,251 claims and appeals will be resolved from a 1996 workload of 1,718. The Civil Division further anticipates that the rate of approval for awards will remain stable through 1996.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. For.	MX Amount	Perm. For.	MX Amount	Perm. For.	MX Amount
Radiation Exposure Compensation	...	\$2,655	...	\$2,655	...	...
Administrative Expenses

¹ The format has been revised to include both claims and appeals.

Civil Division
Radiation Exposure Compensation
Administrative Expenses
Summary of Requirements by Grade and Object Class
(dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent.....	...	...	...	...	...	...	...	...
11.2 Other than full-time permanent.....	...	...	...	...	...	...	...	...
11.3 Other personnel compensation.....	...	...	...	...	...	...	...	...
11.4 Other personnel compensation.....	...	...	...	...	...	...	...	...
11.5 Special personnel services payments.....	...	...	...	...	...	...	...	...
Total.....	...	...	...	...	...	...	...	...
Releasable workyears:								
Other than permanent.....	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
Other objects:								
12 Personnel benefits.....	...	...	...	...	...	...	...	...
13 Benefits to former personnel.....	...	...	...	...	...	...	...	...
21 Travel and transportation of persons.....	...	...	...	...	...	...	...	...
22 Transportation of things.....	...	...	...	...	...	...	...	...
23.1 GSA rent.....	...	...	...	...	...	...	...	...
23.2 Communications, utilities, and miscellaneous charges.....	...	...	...	...	...	...	...	...
24 Printing and reproduction.....	...	...	...	...	...	...	...	...
25 Other services.....	...	...	...	...	...	...	...	...
26 Supplies and materials.....	...	...	...	...	...	...	...	...
31 Equipment.....	...	...	...	...	...	...	...	...
Total obligations.....	...	...	...	...	...	...	...	...
Relation of obligations to outlays:								
Obligated balance, start-of-year.....	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
Obligated balance, end-of-year.....	1,182	...	...	...	...	...	...	...
Adjustments in expired accounts.....	1,776	2,655	2,655	2,655	2,655	2,655	2,655	2,655
Outlays.....								

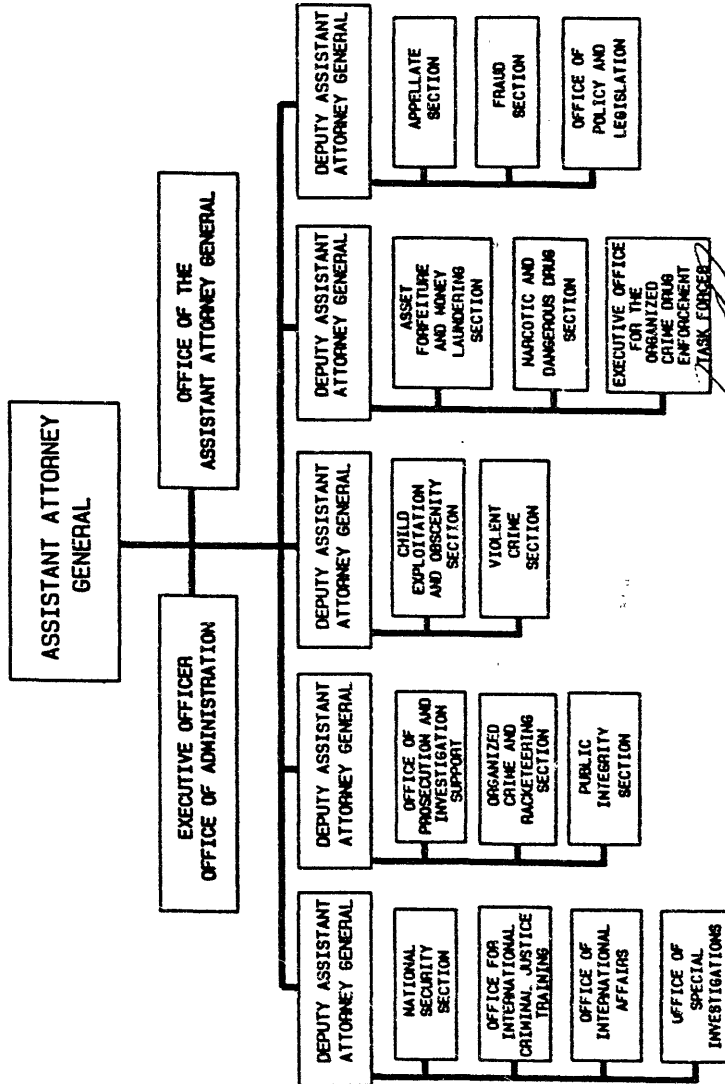
² This chart does not reflect obligations for salaries and benefits because the positions and workyears assigned to this program are releasable.

³ The President's Budget Appendix materials do not reflect year-end billings; additional obligations will be reflected as adjustments to expired accounts in 1995.

Department of Justice
 Interagency Law Enforcement
 Organized Crime Drug Enforcement
 Estimates for Fiscal Year 1996
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CRIMINAL DIVISION



Approved: *[Signature]* Date: 12/12/94

JANET REHO

**Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary Statement
Fiscal Year 1995**

OVERVIEW

The Organized Crime Drug Enforcement Task Force (OCDETF) Program is requesting for 1995, a total of 3,993 reimbursable positions, 3,927 reimbursable workyears, and \$376,473,000. This includes 2,233 agents and 499 attorneys. The request amounts to a reduction of -29 positions including 4 agents and 13 attorneys, -29 workyears, and an increase of \$3,630,000 over the 1995 appropriation anticipated.

In 1983 and 1984, the OCDETF Program operated as a single appropriation reimbursing agencies for their participation in the Program. Beginning in 1985, the resources were appropriated directly to the participating agencies. Pursuant to Section 1055 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690), a single appropriation request for the OCDETF Program was again established beginning in 1990. The agencies participating in the OCDETF Program are now reimbursed for their involvement in the initiative from the single OCDETF appropriation. An important element of the OCDETF Program is the State and Local Overtime Program. From 1990 through 1992, funding for this initiative was included in this appropriation. In 1993 and 1994, funding in the amount of \$5,300,000 to continue this program was appropriated to the Office of Justice Assistance. In 1995, \$4,731,000 has been allocated from the Department of Justice Assets Forfeiture Fund and \$1,000,000 from the Department of Treasury Executive Office for Asset Forfeiture.

BACKGROUND

The OCDETF Program consists of a nationwide structure of thirteen regional Task Forces which utilize the combined resources and expertise of its member Federal agencies in cooperation with State and local investigators and prosecutors to target and destroy major narcotic trafficking and money laundering organizations. A multi-faceted attack on highly sophisticated drug cartels requires unique capabilities combined into a comprehensive and orchestrated investigation and prosecution. Thus, for example, by uniting the physical and electronic surveillance abilities of the Federal Bureau of Investigation (FBI), the drug intelligence data base and drug investigative skills of the Drug Enforcement Administration (DEA), the tax and financial knowledge of the Internal Revenue Service (IRS), the Bureau of Alcohol, Tobacco, and Firearms (ATF) skills in weapons investigations, the resources of the U.S. Customs Service (USCS) for tracking international movements of people and funds, the intelligence gained from the U.S. Coast Guard (USCG) maritime activities, the Immigration and Naturalization Service's (INS) expertise in tracking and deporting illegal aliens, and the U.S. Marshals Service's (USMS) authorities, the full force of the drug enforcement community is brought to an investigation. The OCDETF Program further broadens this base with the local intelligence resources of State and local law enforcement agencies and adds to the impact by utilizing attorney's skills at the earliest stages of investigations. The U.S. Attorneys (USA), and the Department of Justice Criminal Division (CRM) and Tax Division (TAX) contribute resources to the prosecution of OCDETF Program cases.

The goal of the OCDETF Program is to destroy drug trafficking and money laundering organizations. The most effective means of accomplishing this task is to remove the leadership of these criminal organizations from positions which enable them to conduct such enterprises. Removal or neutralization of

the criminal organization infrastructure is the second major tool used by OCDETF to attain this goal. Four objectives continue to guide the selection and conduct of investigations:

- To target, investigate and prosecute individuals who organize, direct, finance, or are otherwise engaged in high-level illegal drug trafficking enterprises, including large-scale money laundering organizations;
- To promote a coordinated drug enforcement effort in each Task Force region and encourage maximum cooperation among all drug enforcement agencies;
- To work fully and effectively with State and local drug law enforcement agencies; and
- To make full use of financial investigative techniques, including tax law enforcement and forfeiture actions.

ACCOMPLISHMENTS

The OCDETF Program strategy has been able to immobilize drug trafficking and money laundering organizations by prosecuting and incarcerating organization members or, where appropriate, extraditing or deporting them; and by divesting them of their power through forfeiture of organization and individual assets. The OCDETF Program has attacked organized drug trafficking from the top, instituting in-depth investigations leading to the prosecution and conviction of the highest level drug traffickers. The Program's member agencies, acting in concert with numerous State and local agencies, have disabled many major drug trafficking organizations by removing the key individuals who provided these organizations with leadership, capital, and expertise.

The OCDETF Program's synchronization of multiple investigations against common target organizations; its effective use of attorneys at the early stages of investigations; its use of financial investigations to reach otherwise invulnerable targets; and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions have demonstrated the efficacy of OCDETF's operational model. It has been demonstrated that the most effective strategy for combating major illicit drug traffickers is that of the OCDETF Program. From its inception late in 1982 through the end of December 1984, the Task Forces:

- Initiated 6,677 investigations, resulting in 16,254 indictments;
- convicted 40,276 members of criminal organizations;
- sentenced 34,779 persons to prison; and
- seized cash and property assets totaling over \$3 billion.

Illustrative of OCDETF's success is that 84.6% of all indicted defendants are convicted.

THE 1996 PROGRAM ACTIVITIES

The 1996 request for the OCDETF Program consists of four budget activities incorporating the resources of eleven member agencies. The budget activities are Law Enforcement, Drug Intelligence, Prosecution, and Administrative Support. Resource requests for 1996 for these activities are summarized below.

Law Enforcement

This activity provides resources for the investigations conducted by the thirteen regional Task Forces. The total resources requested in 1996 for this budget activity are 2,887 reimbursable positions (2,169 agents), 2,860 reimbursable workyears and \$284,815,000. This represents 76.3 percent of the total funding request for the OCDETF Program in 1996.

The focus of Task Force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking. This activity provides resources to reimburse law enforcement agencies in the Department of Justice, Department of the Treasury and the Department of Transportation for investigative activities related to the Task Forces.

Drug Intelligence

The drug intelligence request for the OCDETF Program in 1996 totals 176 positions (84 agents and 71 intelligence analysts), 176 workyears, and \$14,029,000. This represents 3.7 percent of the total OCDETF Program funding request for 1996.

In 1993, Congress determined that consolidation of funding for Regional Drug Intelligence Squads (RDIS) under the auspices of the OCDETF Program would help achieve better integration of intelligence related to organized crime drug activities. This activity includes the resources to maintain squads in eight OCDETF Core Cities. The squads will gather and disseminate raw data for strategic, operational and tracking intelligence purposes and provide regional intelligence linkage to the National Drug Intelligence Center (NDIC) and member agencies' headquarters.

Prosecution

The prosecution activity request for the OCDETF Program in 1996 totals 807 reimbursable positions (498 attorneys), 888 reimbursable workyears and \$78,086,000. This represents 20.6 percent of the total OCDETF Program funding request for 1996. This funding is utilized for the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts toward Task Force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises.

Administrative Support

The administrative support activity request for the OCDETF Program in 1996 totals 13 positions, 13 workyears, and \$1,563,000. This represents just 0.4 percent of the total funding request for the OCDETF Program in 1996.

This activity provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen regional task forces. The Executive Office for OCDETF has day-to-day responsibility for providing administrative support to the Task Forces and is responsible for financial management, records management, and maintenance of the Case Management Information System. This staff serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

The Deputy Attorney General has approved the reassignment of program oversight of the OCDETF Program from the Office of the Deputy Attorney General to the Criminal Division (CRM). The Criminal Division is engaged in the daily guidance and coordination of narcotics investigations and prosecutions and is best equipped to structure the development of national policy, direction, and leadership in counternarcotics efforts. Major multi-district, interagency, and international investigations and prosecutions are coordinated by CRM. This coordinating structure is made uniform by aligning the OCDETF Program with all other areas of drug law enforcement and prosecutions.

The State and Local Overtime and Expense Program was initiated in 1982 along with the OCDETF Program to promote participation and cooperation among Federal, State, and local law enforcement participants to mount a comprehensive attack against organized crime and drug traffickers. DEA's direct appropriation language included the necessary authority to enter into contractual agreements with State and local entities. However, since 1992 language authorizing agreements with State and local law enforcement agencies has been included in the OCDE appropriation. This allows the Executive Office to directly administer the Program. While funding for this aspect of the Program is being obtained in 1996 from the Department of Justice Assets Forfeiture Fund and the Treasury Department Executive Office for Asset Forfeiture, management of the program remains under the auspices of the Executive Office for OCDETF.

PROGRAM CHANGES:

Total program changes of .29 positions (including 4 agents and 13 attorneys), .29 workyears, and an increase of \$3,530,000 are included for 1996. This change is comprised of a net adjustment to base increase of \$5,915,000 and a program decrease of .29 positions, .29 workyears, and \$2,385,000 to provide for absorption of the 1996 pay raise and other required mandatory cost increases.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Proposed Changes in Appropriation Language

The 1996 Budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Organized Crime Drug Enforcement

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, 19374.943,000(A) of which \$50,000,000 shall remain available until expended; Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations maintained from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in the succeeding fiscal year, subject to the reprogramming procedures described in Section 606 of this Act.

\$378,473,000

Department of Justice and Related Agencies Appropriations Act, 1995.]

Evaluation of changes

No substantive changes proposed.

**Intelligence Unit Enforcement
Organized Crime Drug Enforcement
Division of 1995 Changes
(Orders in thousands)**

Activity/Program	1995 President's Budget Request		Congressional Action		Adjustments in Perm. Pos. & Workyears		Approved Reorganizations		1995 Availability	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
1. Law Enforcement:										
Drug Enforcement Administration.....	975	862	862	862	...	...	...	...	975	862
Federal Bureau of Investigation.....	822	822	822	822	...	...	...	...	822	822
Investigative Services.....	111	111	111	111	...	...	...	...	111	111
U.S. Marshals Service.....	13	13	13	13	...	...	...	...	13	13
U.S. Customs Service.....	333	333	333	333	...	...	...	...	333	333
Bureau of Alcohol, Tobacco and Firearms.....	127	127	127	127	...	...	...	...	127	127
Internal Revenue Service.....	440	423	423	423	...	...	...	...	440	423
U.S. Coast Guard.....	9	9	9	9	...	...	...	...	9	9
Subtotal.....	2,930	2,893	2,893	2,893	(39)	(39)	...	...	2,891	2,854
2. Drug Intelligence:										
Drug Enforcement Administration.....	25	25	2,196	2,196	...	...	...	...	25	2,196
Federal Bureau of Investigation.....	151	151	11,403	11,403	...	...	...	...	151	11,403
National Drug Intelligence Center.....	...	...	...	5,000	...	...	...	...	...	5,000
Subtotal.....	176	176	13,599	13,599	...	...	...	...	176	16,599
3. Prosecution:										
U.S. Attorney.....	912	886	75,287	75,287	...	...	...	...	912	886
Criminal Division.....	6	6	755	755	...	...	...	...	6	755
Tax Division.....	14	12	1,259	1,259	...	...	...	...	14	1,259
Subtotal.....	932	913	77,345	77,345	...	...	...	...	932	77,345
4. Administrative Support										
Executive Office.....	13	13	1,952	1,952	...	...	...	...	13	1,952
TOTAL.....	4,051	3,196	948,948	948,948	...	...	...	...	4,012	3,956

Congressional Action. Congressional action provided a \$5,000,000 program increase for enhanced national drug intelligence activities.

Adjustment in Permanent Positions and Workyears. The absorption of pay increases and other costs will not allow support for all the positions and workyears that may have been expected. This column displays the adjustments necessary to support the President's Budget.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements
(Dollars in thousands)

Adjustments to base:	1995 Availability		1995 Base		1995 Estimate		Interagency/Disposal	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
1995 as enacted								
Adjustments to permanent positions and workyears	4,061	8,966					4,061	8,966
1995 availability	(29)						(29)	
Mandatory increases	4,032						4,032	
Decreases								
1995 base	4,032						4,032	
Program changes								
1995 estimate	(29)						(29)	
	8,963						8,963	

	1995 Availability		1995 Base		1995 Estimate		Interagency/Disposal	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
1. Law Enforcement	2,891	2,854	2,891	2,854	2,897	2,850	(6)	(1,279)
2. Drug Intelligence	176	176	176	14,029	176	176		
3. Prosecution	942	918	942	79,160	907	898	(35)	(1,094)
4. Administrative Support	19	19	19	1,581	19	19		
Total	4,012	3,966	4,012	89,640	3,993	3,927	(29)	(2,465)

*The positions and workyears reflected throughout the schedule of the OCDE appropriation budget are reimbursable for the participating agencies.

INTERAGENCY LAW ENFORCEMENT
Quantitative Crime Data Enforcement
Summary of Personnel by Division
(Positions in Thousands)

	1964 as Enacted			1964 Actual *			1965 Availability			1965 Base			1965 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
Estimate by Division																		
Law Enforcement																		
Drug Enforcement Administration	907	904	900,007	907	904	900,007	910	905	903,704	910	902	900,751	910	902	900,751	...	...	...
Federal Bureau of Investigation	1,002	1,000	991,144	1,002	1,000	991,144	999	997	990,144	999	997	990,144	999	997	990,144	...	...	...
Investigation and Administration Service	115	115	10,940	115	115	10,940	115	115	10,940	111	111	10,207	107	107	10,000	(4)	(4)	(81)
United States Marshals Service	15	15	1,100	15	15	1,100	15	15	1,172	15	15	1,207	15	15	1,100	...	...	...
United States Customs Service	240	240	20,100	245	245	20,100	245	245	20,100	245	245	20,000	245	245	20,000	...	...	...
Bureau of Alcohol, Tobacco & Firearms	130	123	10,930	130	123	10,930	130	123	10,930	130	123	10,930	130	123	10,930	...	...	...
United States Coast Guard	45	45	3,800	45	45	3,800	45	45	3,800	45	45	3,800	45	45	3,800	...	...	...
Subtotal	3,247	3,245	287,517	3,247	3,245	287,517	3,247	3,245	287,517	3,247	3,245	287,517	3,247	3,245	287,517	(4)	(4)	(137)
Drug Intelligence																		
Drug Enforcement Administration	20	20	2,240	20	20	2,240	20	20	2,100	20	20	2,000	20	20	2,000	...	...	...
Federal Bureau of Investigation	165	165	11,200	165	165	11,200	161	161	10,800	161	161	11,700	161	161	11,700	...	...	...
Investigation and Administration Service	175	175	13,200	175	175	13,200	175	175	13,200	175	175	13,200	175	175	13,200	...	...	...
Subtotal	340	340	26,640	340	340	26,640	346	346	26,900	346	346	26,900	346	346	26,900	...	...	...
Prosecution																		
United States Attorney	602	610	77,717	602	610	77,717	610	606	76,007	610	606	77,000	607	610	76,000	(29)	(29)	(1,000)
Civil Division	15	15	1,200	15	15	1,200	15	15	1,200	15	15	1,200	15	15	1,200	...	...	...
Total Division	617	625	78,917	617	625	78,917	625	621	77,207	625	621	78,200	622	625	77,200	(8)	(8)	(1,000)
Subtotal	1,219	1,235	86,634	1,219	1,235	86,634	1,240	1,227	83,207	1,240	1,227	85,200	1,229	1,235	83,200	(21)	(21)	(1,000)
Administrative Support																		
Executive Office	13	13	1,400	13	13	1,400	13	13	1,400	13	13	1,400	13	13	1,400	...	...	...
Total	4,201	4,146	362,361	4,190	4,130	362,361	4,018	3,996	375,910	4,018	3,996	369,000	3,963	3,977	375,910	(89)	(89)	(2,350)
Reimbursable WY	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total Workyears	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Overhead																		
AJO	600	600	600	600	600	600	607	607	607	607	607	607	607	607	607	...	...	...
Overhead	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total compensable workyears	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

* As a result of final agency ratings, the 1964 actual amounts differ from that reported in the 1960 President's Budget by -10 positions, -10 workyears, and \$3,000.

**Organized Crime Drug Enforcement
Justification of Program and Performance
Activity Resource Summary
(October 1992)**

Activity: Law Enforcement	1992 Availability			1992 Base			1992 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
Drug Enforcement Administration.....	975	902	\$63,704	975	902	\$63,751	975	902	\$63,751	...	...	...
Federal Bureau of Investigation.....	922	922	96,571	922	922	96,600	922	922	96,600	...	...	...
Immigration and Naturalization Service.....	111	111	10,563	111	111	10,527	107	107	10,666	(4)	(4)	(\$161)
U.S. Marshals Service.....	13	13	1,172	13	13	1,207	13	13	1,190	...	...	(17)
U.S. Customs Service.....	318	318	26,153	318	318	26,893	318	318	26,900	...	...	(403)
Bureau of Alcohol, Tobacco and Firearms.....	103	96	10,300	103	96	10,633	103	96	10,471	...	...	(162)
Internal Revenue Service.....	440	423	37,147	440	423	36,220	440	423	37,609	...	...	(321)
U.S. Coast Guard.....	0	0	868	0	0	897	0	0	878	...	...	(8)
Subtotal.....	2,891	2,864	277,456	2,891	2,864	286,068	2,897	2,860	284,615	(4)	(4)	(1,273)

This budget activity includes resources to reimburse law enforcement agencies in the Department of Justice, Department of the Treasury and the Department of Transportation for investigative activities related to the Thirteen OCDE Task Forces. The focus of Task Force investigations is on the organized criminal enterprise leadership involved in drug trafficking and the breakup of the infrastructure of organized criminal enterprises. This includes the seizure and forfeiture of assets of organized criminal enterprises involved in narcotics trafficking.

LONG RANGE GOAL:

To identify and investigate high-level organized criminal enterprises engaged in drug trafficking and to dismantle those organizations.

MAJOR OBJECTIVES:

To target and investigate individuals who organize, direct and finance high-level illegal narcotics trafficking enterprises.

To make full use of financial investigative techniques and forfeiture actions, thereby enabling the Federal Government to seize assets and profits derived from narcotics trafficking.

To promote a coordinated drug enforcement effort in each of the thirteen Task Force regions.

To encourage maximum cooperation among all Federal law enforcement agencies.

To work fully and effectively with State and local law enforcement agencies investigating illegal narcotics trafficking.

BASE PROGRAM DESCRIPTION:

1. Headquarters and Field Organization

The Executive Review Board (ERB) is chaired by the Deputy Attorney General and is composed of senior officials from agencies of the Treasury, Transportation, and Justice Departments. The ERB provides oversight nationally by articulating policy, reviewing the allocation of resources, and recommending resolution of outstanding issues that cannot be settled in the field. The Washington Agency Representatives (WAR) Group, comprised of high-level managers from each member agency, provides problem resolution research for the Board. An Executive Office is based at the Justice Department headquarters in Washington. The Executive Office serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

The organization of each region has two principal structural components: the Task Force Advisory Committee and the Task Force Coordination Group. The Advisory Committee oversees the Task Force, while the Coordination Group shares intelligence among the agencies, decides which cases are selected, coordinates the allocation of assets among cases, and facilitates cooperation among the agencies and between regions.

Each regional Advisory Committee is comprised of all the region's U.S. Attorneys, the Assistant U.S. Attorney (AUSA) Task Force Coordinator, the coordinators for each participating agency, and the senior regional representatives of those agencies. As the Senior Official responsible for each Task Force's performance, the Core City U.S. Attorney chairs the committee and supervises the AUSA Coordinator.

The Task Force Coordination Group plays a central role in coordinating the OCOETF Program within its region. Consisting of the AUSA Task Force Coordinator and coordinators from each participating Federal agency, the Coordination Group evaluates cases proposed for Task Force designation and approves investigations for initiation as OCOETF matters. The group also reviews the use of Task Force resources and resolves disputes between member agencies.

In the non-core cities, District Drug Enforcement Coordination Groups review investigation selection, resource allocation, and the progress of Task Force efforts. Each non-core city U.S. Attorney selects an AUSA to serve as Lead Task Force Attorney for the district. This Lead Task Force Attorney coordinates case selection with representatives of the participating agencies, is responsible for district reporting tasks, and serves as liaison with the Core City Task Force office.

2. State and Local Participation

From the Program's inception, State and local law enforcement elements have worked closely with the Task Forces. The OCOETF Guidelines promote joint involvement of State and local authorities in the investigation, apprehension, and prosecution of major drug traffickers and their organizations.

Several elements of the OCOETF Program facilitate State and local participation. Under Chapter A of Subpart 2 of Part E of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, \$5.3 million was available for FY 1994 from the Drug Grant Program of the Office of Justice Programs (OJP) to the OCOETF Program to reimburse States and localities for overtime and expenses incurred by their personnel while participating in Task Force cases. Since the inception of the Program, Task Forces have entered into more than 9,500 agreements with State and local governments nationwide and more than 28,000 State and local officers have taken part in the Program. Although these local agencies continue to pay the salaries of their investigators who work on Task Force cases, they are assisted in meeting the costs of overtime, travel, and per diem expenses resulting from their participation.

In FY 1995, \$4.731 million in funding has been allocated for this program from the Department of Justice Assets Forfeiture Fund (AFF). However, since approximately 10-15% of previous funding had supported investigations that involved only law enforcement personnel from Treasury Agencies, the Justice AFF is not legally able to provide resources for all cases. To address this problem, the Treasury Department has agreed to provide \$1 million in FY 1995 for OCOETF State and Local Overtime requirements. The Treasury Department allocated the funding from its asset forfeiture fund to the three Treasury components: the Bureau of Alcohol, Tobacco and

Firearms (ATF), Internal Revenue Service (IRS), and the U.S. Customs Service (USCS). In addition, the Treasury Department Executive Office for Asset Forfeiture will utilize the same overall policy and procedures as the OCEETF Program in order to ensure a consistent approach in the approval of expenses.

State and local participation is further facilitated, when appropriate to an investigation, by the deputation of State or local law enforcement officers as Federal Agents.

Finally, the OCEETF Program facilitates equitable sharing of assets forfeited by drug traffickers. Sharing of assets provides a bonus to participating State and local agencies in the form of vehicles and cash.

a. Member Agencies

According to the OCEETF Guidelines, one of the Program's main objectives is "...to promote a coordinated drug enforcement effort in each Task Force region, and to encourage maximum cooperation among all drug enforcement agencies..." Throughout its years of operation, the OCEETF Program has pursued this objective.

Many of the Task Force investigations are so complex and labor intensive that they could not have been conducted without cooperation among the OCEETF Program agencies. Most, if not all, of these investigations require a mix of skills, experience, and jurisdiction possessed by no single agency. Each of the Federal Task Force members brings its own special skills and methods to the Program. Members come from three Cabinet-level departments: Justice, Transportation, and Treasury.

a) The Department of Justice

Participating Justice agencies include the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the U.S. Attorney's office, and the U.S. Marshals Service. Support for the Program is also provided by the Department's Tax and Criminal Divisions.

The effective use of the expertise of these components is an indispensable tool in the OCEETF Program. Thus, DEA's narcotics investigative experience, knowledge of drug distribution organizations, and close working relations with State and local authorities make this agency essential to every Task Force. The same holds true for the FBI which brings to the Program the ability to gather and analyze intelligence data and to deploy and manage sophisticated electronic surveillance and undercover operations.

The Immigration and Naturalization Service (INS) has statutory responsibility for the admission, control, and removal of aliens. Pursuant to this authority, INS identifies and screens high-risk persons entering the United States to curtail alien involvement in illicit narcotics enterprises.

The U.S. Marshals Service is charged with safeguarding the integrity of the civil process by preventing jury tampering and disruption in the courtroom. In addition to managing seized assets and those assets forfeited by drug traffickers, the Marshals Service also has a major responsibility in bringing OCEETF fugitives to justice.

b) The Department of Transportation

The Transportation Department participates in the OCEETF Program through the U.S. Coast Guard. The Coast Guard has assumed a variety of functions that meld with the work of the other Task Force agencies. Coast Guard coordinators participate in case selection, analysis, and review; serve as liaison with the military services; and provide valuable intelligence and guidance on cases with maritime connections.

c) The Department of the Treasury

Participating Treasury agencies include the Bureau of Alcohol, Tobacco and Firearms (ATF), the Internal Revenue Service (IRS), and the U.S. Customs Service (USCS).

ATF's special role in enforcing Federal firearms, explosives, and arson laws gives the Program access to special expertise in dealing with drug traffickers who are well armed and increasingly prone to violence. ATF's jurisdiction and capabilities make it a well-suited partner to other agencies participating in the war against illegal drugs.

The IRS actively participates in OODE Task Force cases through its investigation of tax-related violations of the Internal Revenue Code. The IRS's Criminal Investigation Division also investigates money laundering operations, enforces major provisions of the Bank Secrecy Act, and assists in asset seizure and forfeiture actions.

Along with the IRS, the U.S. Customs Service has been especially effective in conducting financial investigations. Through the analysis of computer data collected under the Bank Secrecy Act, Customs identifies drug traffickers and money launderers for OODE Task Force investigations. Customs' capacity to track the international movement of cash, persons, and commodities complements the drug trafficking investigations of other Task Force agencies. The Customs Service is also a major interdictive agency. Its mission includes the interdiction of drug shipments through all ports of entry into the United States.

ACCOMPLISHMENTS AND WORKLOAD:

The OODETF Program's synchronization of multiple investigations against common target organizations, its effective use of attorneys at the early stages of investigations, its use of financial investigations to reach otherwise invulnerable targets, and its unprecedented success in fostering collaboration among law enforcement agencies from all jurisdictions has demonstrated the efficacy of OODETF's operational model.

It has become apparent that the most effective strategy for combating major illicit drug traffickers is the OODETF type of investigation and prosecution. The OODETF Program strategy is to immobilize drug trafficking and money laundering organizations by incarcerating organization members, causing forfeiture of organization and individual assets, and, where appropriate, extraditing, deporting, and excluding organization members. To achieve these ends, the Task Force has directed their resources at those significant national and international targets against which successful prosecution has the greatest impact. From its inception late in 1982 through the end of December 1984, the Task Force:

- Initiated 6,677 investigations, resulting in 18,254 indictments and criminal information;
- convicted 40,276 members of criminal organizations;
- sentenced \$4,776 persons to prison;
- seized cash and property assets totaling more than \$3 billion.

OODE Task Force results have reflected the success of the OODETF's targeting strategy, reaching above the retail and "middlemen" levels of the drug trade. Most of the charges brought in OODETF indictments have been against leaders, lenders, launderers, and major suppliers of multi-district, national, and international criminal organizations.

Illustrative of OODETF's success is that 84.6% of all indicted defendants are convicted.

OCDETF Performance Measure Project

In anticipation of the Presidential requirements to refine performance in all government operations, the OCDETF WAR Group established a Subcommittee on Performance Measures and commenced a major Performance Measure refinement process in June 1993. The subcommittee examined past practices and concluded that while major accomplishments have occurred consistently, improvements to enhance the measurement of goal attainment were required.

After extensive research and negotiation, the WAR Group reached consensus on a design which will demonstrate the attainment of the goal of the OCDETF Program. At the conclusion of the review, the Subcommittee issued a draft addendum to the OCDETF Management Information System (MIS) Manual regarding performance measures for each OCDETF investigation.

A proposed "Performance Measurement Report Form" that will be completed at the end of each investigation, has been prepared and is being field tested. The form will require data on whether the objectives of the investigation were met, the amount of assets seized, the total number of full-time equivalent workyears used, and most importantly, the extent to which the goal of dismantling and/or disrupting drug trafficking and related criminal organizations has been reached.

Collateral Duty One-Year Pilot

A primary objective of this pilot project is to address National Performance Review (NPR) streamlining requirements and to maximize resource utilization within the OCDETF Program.

Upon the recommendation of the OCDETF Core City United States Attorneys, the Assistant United States Attorney Coordinators and the WAR Group, a one year pilot experiment concerning collateral duty assignments for OCDETF Coordinators, OCDETF Assistant United States Attorneys, and United States Attorney's Office OCDETF support personnel was approved and signed by Assistant Attorney General Jo Ann Harris on August 26, 1994. The Guidelines in this memorandum are effective from September 1, 1994 through August 31, 1995.

The WAR Group was tasked with the responsibility for monitoring the implementation of this policy and for preparing the mid-year and end of year status reports. A subcommittee was formed to develop a basic design for the evaluation of the OCDETF Coordinator, OCDETF U.S. Attorney, and OCDETF Support Personnel Collateral Duty Policy.

Consolidated Workload of the OODE Task Force Program follows.

Item	Actual 1993	Estimates		
		1994**	1995**	1996**
Investigations	653	710	679	675
Indictments	2,395	1,716	1,642	1,631
Individuals indicted	6,823	5,216	4,991	4,957
Convictions	5,996	4,590	4,391	4,362

Selected OODE case examples are available in the 1993-1990 Annual Reports.

Note: 1994 data reported represents an estimate based on a combination of actual data in the OODE Case Management Information System (MIS) plus pipeline information. The FY 1995 and 1996 estimates are built on the FY 1994 actual level of performance projected based on the anticipated FTE level for those years.

** Excludes workload impact of Regional Drug Intelligence Squads.

PROGRAM CHANGES:

	1995 Base			1996 Estimate			Increase/Decrease		
	Perm Pos.	WY Amount		Perm Pos.	WY Amount		Perm Pos.	WY Amount	
Law Enforcement	2,891	2,854	\$286,068	2,891	2,850	\$284,815	(4)	(4)	(\$1,273)

A program decrease of 4 agent positions, 4 workyears and \$1,273,000 is required to provide for absorption of the 1996 pay raise. Details are provided in the Multi-Activity exhibit beginning on page 25.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm Pos.	WY Amount		Perm Pos.	WY Amount		Perm Pos.	WY Amount		Perm Pos.	WY Amount	
Activity Drug Intelligence	25	25	\$2,165	25	25	\$2,269	25	25	\$2,269	...	...	...
Drug Enforcement Administration	151	151	11,403	151	151	11,760	151	151	11,760	...	...	...
Federal Bureau of Investigation	176	176	16,508	176	176	14,029	176	176	14,029	...	...	...
National Drug Intelligence Center .....										...	...	...
Total												

This funding will provide major operators/tactical and strategic intelligence support for OODE core cities and agency headquarters.

LONG-RANGE GOAL:

To establish Regional Drug Intelligence Squads, first in the five High Intensity Drug Trafficking Areas (HIDTA), and as soon as possible in all thirteen OCOETF core cities. These squads will gather and disseminate raw data for strategic, operational and tactical intelligence purposes and provide regional intelligence linkage to the National Drug Intelligence Center (NDIC) and member agency headquarters.

MAJOR OBJECTIVES:

- To provide regional drug trafficking and related crime intelligence for the thirteen OCOETF regions.
- To serve as the central coordinating mechanism for all Federal, State, and local enforcement generated intelligence to be used in the region.
- To operate as the conduit for intelligence to and from the NDIC.
- To maximize efficiency and to avoid costly duplication of field intelligence resources and functions.

BASE PROGRAM DESCRIPTION:

The FY 1993 Department of Justice and Related Agencies Appropriations Act, P.L. 102-365, provided the OCOE appropriation with \$13,374,000 originally requested in the direct appropriations of the DEA and FBI to support the establishment of the Regional Drug Intelligence Squads (RDIS). An additional \$2,000,000 in undistributed funds was also made available by Congress. It is the position of Congress that consolidation of funding for RDIS will help achieve improved integration of intelligence related to organized crime drug activities.

The function of the RDIS will be to foster, support, and facilitate the collection, analysis, exchange, and utilization of drug-related information available in specific geographic regions. The squads will also develop intelligence to provide a clear understanding of the scope and dimension of drug trafficking and drug abuse within the region. The resulting regional, strategic intelligence assessments will be disseminated for use by law enforcement entities located within the region, to agency management, and to the NDIC.

Participants in the RDIS program are expected to include State and local law enforcement agencies, and the following Federal agencies: USCS, IRS, INS, ATF, DEA and FBI. Squads will be established in major metropolitan areas, beginning with core HIDTA cities. The exact number of joint squads to be initially established, their exact locations, and the breakdown of other agency participants remains to be determined.

Reimbursable Agreements between the Executive Office for OCOETF and DEA and FBI respectively were executed for FY 1994. \$11,620,000 was released to the FBI for the support of the eight Regional Drug Intelligence Squads (RDIS) and \$2,245,000 was released to the DEA for the support of DEA intelligence activities. In addition to funding of \$11,403,000 for the FBI and \$2,195,000 for DEA, the FY 1995 enacted appropriation provided a \$6,000,000 program increase for enhanced National Drug Intelligence Center (NDIC) activities.

ACCOMPLISHMENTS AND WORKLOAD:

Based in part on the FBI's Joint Drug Intelligence Groups that are being absorbed into this initiative, Regional Drug Intelligence Squads (RDIS) will provide major operational/tactical support for drug law enforcement. The RDIS will provide detailed, relevant, and timely organizational intelligence on drug trafficking organizations.

These squads will collect intelligence regarding the composition, scope, magnitude and internal/external dynamics of the targeted kingpin drug trafficking organizations

PROGRAM CHANGES:

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Drug Intelligence	176	176 \$14,029	176	176 \$14,029	...	...

	1995 Availability		1995 Base		1995 Estimate		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Activity Prosecution								
U.S. Attorneys	912	695 \$75,267	912	695 \$77,070	887	670 \$76,002	(25)	(25) (\$1,068)
Criminal Division	6	6 755	6	6 771	6	6 761	..	.. (10)
Tax Division	14	12 1,293	14	12 1,319	14	12 1,303	..	.. (16)
Total	932	913 77,335	932	913 79,160	907	886 78,066	(25)	(25) (1,094)

This funding is used to reimburse the U.S. Attorneys, the Criminal Division and the Tax Division for their investigative support and prosecutorial efforts towards OCDE Task Force cases. Litigation efforts are targeted selectively on the criminal leadership involved in drug trafficking and are intended to dissolve organized illicit enterprises. This includes activities designed to secure the seizure and forfeiture of the assets of these enterprises

LONG-RANGE GOAL:

To reduce the incidence of organized criminal involvement in all aspects of illicit drug activity in the United States through the prosecution of members of high-level drug trafficking enterprises.

MAJOR OBJECTIVES:

To prosecute individuals who organize, direct, finance or are otherwise engaged in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.

To promote a coordinated drug enforcement effort in each OCDE Task Force, and to encourage maximum cooperation among all drug enforcement agencies.

To work fully and effectively with State and local drug enforcement agencies

To make use of financial investigative techniques, including tax law enforcement and forfeiture actions, to make possible seizure of assets and profits derived from high-level drug trafficking cartels

BASE PROGRAM DESCRIPTION:

1. The United States Attorneys

Prosecution in each of the 13 Task Forces is conducted by attorneys and support staff coordinated by District U.S. Attorneys and a Core City U.S. Attorney who is accountable to the Deputy Attorney General on matters pertaining to conduct of the Task Force. The thrust of the OCDE Task Force Prosecution Program is to encourage the maximum level of cooperation at the district, regional, national, and international level by having the non-core District U.S. Attorneys and the Core City U.S. Attorney coordinate the activities of the agencies participating in the Program.

The OCDE Task Force Program implements a major Administration initiative to combat organized crime and drug trafficking. The Program is based on a high degree of cooperation and coordination among Federal, State and local law enforcement and prosecution agencies. The 13 regions identify, investigate and prosecute members of high-level drug trafficking enterprises to dismantle those organizations. The range and nature of the investigative techniques require continuing and intensive participation by Assistant U.S. Attorneys in the development of investigative strategy, and in the provision of continuing counsel to ensure that the evidence growing out of investigations will be complete, conclusive, proper and admissible.

Task Force prosecutions benefit from the Program's broad, thorough, and careful approaches. The Guidelines lay down distinctive principles for Task Force prosecutions including

- an increased emphasis on forfeitures, either in civil actions, or under the criminal forfeiture provisions of the law;
- the use of any of a wide range of statutes, not just drug statutes, to put drug trafficking organizations out of business; and
- a concerted coordination of prosecutorial activities among various jurisdictions in order to achieve maximum impact on entire organizations.

When a grand jury returns an indictment or an information is filed, the case moves from the investigative to the prosecutorial phase. The prosecution of an OCDE Task Force case is qualitatively different from that of any other drug prosecution. The continual involvement of a Task Force AJUSA during the investigation results in the construction of a stronger case. Prosecuting attorneys are provided with the information necessary to become familiar with all aspects of the case which enables them to develop a better prosecution strategy.

The AJUSA working with agents with a wide range of areas of expertise, ensures that specific statutory violations are appropriately documented and charged. This coordination of effort also results in a strategy that broadens the prosecution of cases from just the prosecution of individual defendants, to the maximum disruption of the drug trafficking organizations involved.

The Task Force emphasizes on collaboration with State and local law enforcement agencies and on the cross-designation of attorneys affords a greater choice of avenues in which a case may be brought to trial. With the option of taking a case to a Federal or a State court, prosecutors can take best advantage of the available statutory relief afforded by the two systems. Where a State's penalties for criminal possession of small amounts of drugs are more severe than the Federal penalties, prosecutors can bring the case to the jurisdiction with the more punitive statutes.

One of the cornerstone principles of the OCDETF Program is early attorney involvement in the development of case strategy. The Task Force Program affords prosecutors the time they need to participate in the development of this strategy and to provide the necessary legal services and counsel that investigators require. They are not expected to rush cases to completion, but rather to move deliberately toward successful and comprehensive conclusions. While Task Force attorneys carry a caseload

of fewer cases, there are typically more intricate and long-term than those of their non-Task Force counterparts.

A second strength is the development of skills by OCE Task Force attorneys who are dedicated full-time to complex OCE Task Force matters. For investigations and attorneys alike, the use of electronic surveillance or the mounting of undercover operations are especially unique and time-consuming since they require extensive and complex legal paperwork. A wiretap, for example, requires a detailed application for initial approval and repeated affidavits for renewal. The preparation of the necessary documents has become a virtual art form, and the Task Force has proved equal to the challenge. The number of attorneys experienced in handling these matters has increased, a significant development in an area where maintaining investigative momentum is crucial. Another feature cited by attorneys themselves is the increase in their knowledge of matters relating to narcotics dealing. The courts now recognize them for their greater acumen in interpreting the narcotics environment. When applying for warrants for wiretaps, searches, or arrests, they can now more authoritatively articulate the information contained in the supportive affidavits of the investigative agencies; for example, the probability of finding narcotics ledgers in financial books and records that will show the fruits of drug trafficking, even in locations where drugs themselves are not likely to be found. Similarly, they can better represent drug dealers' cryptic conversations in support of applications for extensions of ongoing court-authorized electronic surveillance or for new supplementary surveillance. The development of such expertise in offices of the U.S. Attorneys is primarily attributable to the close working relationship among OCE Task Force attorneys and experts from the investigative agencies under the aegis of the OCE Task Force Program.

2. Criminal Division

The OCE Task Force initiative against organized drug traffickers has increased the demands on the Criminal Division to provide certain types of prosecutorial assistance and to participate directly in the development of particular cases. For example, many OCE Task Force investigations depend upon electronic surveillance to obtain evidence on the activities of wrongdoers. By law (28 USC 2516), all electronic surveillance must be authorized by the Attorney General or a designated Assistant Attorney General. Before authorization, each application is reviewed by Criminal Division personnel, and a recommendation is made to the Assistant Attorney General. Then, following authorization of either a wiretap or the wireless interception of communications, reports must be collected and reviewed on the fruits of the surveillance. In addition to employing electronic surveillance techniques, many OCE Task Force prosecutions rely on witnesses whose personal safety is endangered by criminal elements. A prosecutor seeking to arrange for the protection of a witness, e.g., by providing guards, by relocating the witness out of the danger area, by securing a new identity for the witness, etc., must submit a request to the Criminal Division for review as to the qualification of the witness for the Program and a determination as to the level of protection to be afforded to the witness.

3. Tax Division

The Tax Division provides nationwide review and coordination of all tax charges in OCE Task Force cases. An experienced Tax Division attorney is assigned as a liaison official to each of the 13 OCE task forces. These attorneys work closely with each Core City AUSA and IRS coordinator and the AUSAs and IRS Special Agents in the investigation of tax crimes. They provide the local task forces with advice, guidance and expertise in developing and handling the tax investigations. They also provide litigation support.

Specifically their responsibilities include:

- meeting periodically with the Core City coordinators and IRS agents;
- having knowledge of the inventory of tax investigations, their nature and scope;
- monitoring the progress of all tax investigations;
- providing consultative assistance and direction whenever needed;

- e) reviewing expeditiously all recommendations for prosecution of tax charges, whether by indictment or plea; and
 - f) conducting grand jury investigations and prosecutions of drug traffickers, as needed.
- In addition to assisting in individual case development, Tax Division liaison attorneys participate in training new Assistant United States Attorneys and Task Force investigators in tax matters. They attend conferences in each region and participate in panel discussions on narcotics/prosecutions. The liaison attorneys communicate frequently with regional IRS coordinators to keep abreast of new developments which might be of particular importance not only to the Tax Division but to other drug task force components. The Tax Division has also maintained a clearinghouse of legal and investigative materials and information, and coordinates the dissemination of this information to regional task force personnel.

ACCOMPLISHMENTS AND WORKLOAD:

1. United States Attorneys.

Workload statistics for the United States Attorneys activity have been combined and are reflected in the Drug Law Enforcement budget activity on page 15. Examples of COEDF case activity can be found in the 1983 - 1990 Annual Reports of the COEDF Program.

2. Criminal Division:

	1993	1994	1995	Estimates 1996
Item				
Electronic surveillance applications reviewed	1,000	1,050	1,100	1,155
Witnesses accepted in protection program	257	159	230	333
Extradition Requests Transmitted:				
Requests Pending, Beginning of Year	413	501	522	692
Requests Received	281	266	300	
Requests Closed	(193)	(199)	(209)	(209)
Requests Pending, End of Year	501	562	692	792
U.S. Legal Assistance Requests Transmitted:				
Requests Pending, Beginning of Year	720	742	905	1,005
Requests Received	496	606	500	
Requests Closed	(476)	(353)	(409)	(409)
Requests Pending, End of Year	742	995	1,095	1,195

3. Tax Division:

Tax charges are often a key element in the successful prosecution of participants in criminal enterprises. Enforcement of the tax laws is playing an increasing role in the drug war. Approximately 25 percent of the prosecutions authorized by the Tax Division involve the illegal sale of drugs, and this percentage is likely to increase as the Internal Revenue Service is devoting substantially increased resources to investigating drug cases.

	Estimates		
	1993	1994	1995
OOETF Case Receipts			
a. Complex Cases Other Than Outgrowths.....	74	34	34
b. Outgrowths.....	37	70	70
Subtotal.....	111	104	104
c. Grand Jury			
Investigations.....	12	45	45
Total Case Receipts.....	123	149	149
OOETF Case Closings			
a. Complex Cases Other Than Outgrowths.....	31	33	33
b. Outgrowths.....	11	12	12
Subtotal.....	42	45	45
c. Grand Jury			
Investigations.....	8	11	11
Total Case Closings.....	50	56	56

EXPLANATION:

Workload statistics were obtained from the Criminal Appeals and Tax Enforcement Policy (CATEP) Section, which maintains the Tax Division's automated case reporting and tracking system for criminal tax matters. 1993 data reflects actual and of year caseload. 1994 data and out-year estimates are based upon internal data, statistics received from the Criminal Investigation Division of the IRS, and information obtained from the Office of National Drug Control Policy.

PROGRAM CHANGES:

	1993 Base			1995 Estimate			Increase/Decrease	
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY Amount
Prosecution.....	932	913	\$79,160	907	888	\$78,088	(25)	(25) (\$1,064)

A program decrease of 25 positions (including 13 attorneys), 25 workyears and \$1,064,000 is required to provide for absorption of the 1995 pay raise requirements. Details are provided in the MUII - Activity exhibit beginning on page 25.

	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease	
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	WY
Activity: Administrative Support											
Executive Office.....	13	13	\$1,562	13	13	\$1,561	13	13	\$1,563	...	(\$10)
This activity provides policy guidance, central coordination, and administrative support to the headquarters of the eleven member agencies and the thirteen regional Task Forces.											
LONG-RANGE GOAL:											
To provide policy guidance, central coordination and administrative support to the 13 regional drug task forces.											
MAJOR OBJECTIVES:											
To perform as the support and monitoring body between the individual task force Coordinating Groups and the Assistant Attorney General, Criminal Division.											
To track and monitor task force cases and resources.											
To perform budget analysis, program analysis and evaluation.											
To prepare testimony and information for the Attorney General, the Deputy Attorney General, Assistant Attorney General (Criminal Division), Deputy Assistant Attorney General (Narcotics) of the Criminal Division, Congress, the media, and others concerning Task Force issues.											
To perform research in support of Task Force requirements.											
To manage the State and Local Law Enforcement Overtime Fund, State and local deputations, and Federal officer cross-designation programs.											
BRIEF PROGRAM DESCRIPTION:											
The thrust of the Task Force Program is to encourage more cooperation at the field-office level by marshaling the efforts of agency personnel within local districts and making the Core City United States Attorney responsible for the coordination of the Task Force. The Program is not designed to be administered centrally from Washington but rather, supported by the Washington based Executive Office.											
The Executive Office for OCEETF provides policy guidance, central coordination, and administrative support to the headquarters of the member agencies and the 13 regional task forces. The Executive Office has day-to-day responsibility for providing administrative support to the Task Force and is responsible for financial management oversight.											

records management, and maintenance of the Management Information System. This staff serves as the first-echelon point of contact for the Task Forces when Washington intervention or assistance is required.

The Deputy Attorney General has approved the reassignment of program oversight of the Organized Crime Drug Enforcement Task Force (OCDETF) Program from the Office of the Deputy Attorney General to the Criminal Division (CRM).

The Division is engaged in the daily guidance and coordination of narcotics investigations and prosecutions and is best equipped to structure the development of national policy, direction, and leadership in counternarcotics efforts. The Department's expertise in narcotics enforcement techniques, including coordination of and operational contact with investigative agency personnel, resides in CRM. Major multi-district, interagency, and international investigations and prosecutions are coordinated by CRM. This coordination structure is made uniform by aligning the OCDETF Program with all other areas of drug law enforcement and prosecution.

In 1983 and 1984, the OCDETF Program operated as a single appropriation reimbursing agencies for their involvement. Beginning in 1985, the resources were appropriated directly to the participating agencies. As a result of Section 1055 of the Anti-Drug Abuse Act of 1986, beginning in 1990 a consolidated appropriation was again established. The Attorney General in his budget submits a separate appropriations request for expenses relating to all Federal agencies participating in the Organized Crime Drug Enforcement Task Force. Such appropriations are made to the Department of Justice's Interagency Law Enforcement Appropriation Account for the Attorney General to make reimbursements to the involved agencies as necessary.

ACCOMPLISHMENTS AND WORKLOAD:

The Executive Office, as the central repository of the case data, is able to provide the national focus necessary for the Assistant Attorney General, Criminal Division, to manage and assess the Task Force Program.

The OCDETF Management Information System is designed to meet the management needs of the Deputy Attorney General, Assistant Attorney General, Criminal Division, the U.S. Attorneys, the Executive Review Board, the Member Agency Headquarters, and the regional Task Forces. In addition, the information system provides the data necessary to evaluate Task Force Program performance which is used in reports to the Attorney General, the President, Congress, and the public. The Case Monitoring System consists of three standard reports: the Investigation Initiation; the Indictment; and the Disposition Sentencing. Other monitoring reports include but are not limited to Investigations/Prosecution Status Reports and various activity reports.

In anticipation of the Presidential requirements to improve performance in all Federal government operations, the WAR Group commenced a major Performance Measurement refinement process in June, 1993. A WAR Group subcommittee examined past practices and concluded that while major accomplishments have occurred consistently, it had to acknowledge that the measurement of goal attainment fell short.

After extensive research and negotiation, the WAR Group reached consensus on a design which will provide data concerning the attainment of the goal of the OCDETF Program. The design is currently being field tested. At the same time, the new OCDETF Performance Measures will meet the Governmental Performance and Review Act requirements as well as other Administration initiatives designed to improve governmental performance.

In addition to comprehensive activities involved in the maintenance of the Management Information System, financial management oversight requirements and other recurring administrative responsibilities, the Executive Office has performed the following activities:

1. Preparation of the annual reports of the OODETF Program;
2. Design, coordination, and management of the Annual National Conference;
3. Preparation of a five-year summary report;
4. Preparation of a six-year impact analysis report;
5. Modernization of existing data base to modern high speed digital software/hardware;
6. Performed site visits to all Core Cities regarding preparation of the Annual Reports, the five-year Summary Report and the six-year impact analysis report;
7. Conducted site visits and inspections to numerous non-core districts;
8. Provided critical staff support and coordination in the preparation of speeches, presentations, and related activities required for all regional conferences, all Washington Agency Representatives meetings and all Executive Review Board meetings;
9. Attended and generally provided speeches at all regional conferences, advisory committee meetings, and national conferences;
10. Coordinated and processed all State/local federal agreements for cooperative investigations, and all overtime contracts and Deputation requests;
11. Served and chaired numerous Committees and special projects; and
12. In accordance with required leadings from the Attorney General, Deputy Attorney General, Assistant Attorney General of the Criminal Division, Deputy Assistant Attorney General, (Director) of the Criminal Division, member agencies, and the United States Attorneys, responded to all information requests and law problem resolution requirements, and prepared special analyses and performed liaison activities with affected agencies.

PROGRAM CHANGES:

	1988 Base			1988 Estimate			Increase/Decrease		
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY
Administrative Support.....	13	13	\$1,561	13	13	\$1,563	...	...	(\$19)

A program decrease of \$19,000 is required to provide for absorption of the 1988 pay raise. Details are provided in the Multi-Activity exhibit beginning on page 25.

**Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Multi-Activity Program Changes
(Dollars in thousands)**

Activity/Program	1998 Pay Raise Absorption		
	Perm. Pos.	WY	Amount
1. Law Enforcement:			
Drug Enforcement Administration.....	..	..	..
Federal Bureau of Investigation.....	..	..	..
Immigration and Naturalization Service.....	(4)	(4)	(181)
U.S. Marshals Service.....	..	..	(17)
U.S. Customs Service.....	..	..	(403)
Bureau of Alcohol, Tobacco and Firearms.....	..	..	(182)
Internal Revenue Service.....	..	..	(521)
U.S. Coast Guard.....	..	..	(9)
Subtotal.....	(4)	(4)	(1,273)
2. Drug Intelligence:			
Drug Enforcement Administration.....	..	..	..
Federal Bureau of Investigation.....	..	..	..
Subtotal.....	..	..	..
3. Prosecution:			
U.S. Attorneys.....	(25)	(25)	(1,088)
Criminal Division.....	..	..	(10)
Tax Division.....	..	..	(16)
Subtotal.....	(25)	(25)	(1,094)
4. Administrative Support:			
Executive Office.....	..	..	(18)
TOTAL.....	(29)	(29)	(2,385)

Narrative Description

A program decrease of -29 positions including 4 agents and 13 attorneys), -25 workyears, and -\$2,385,000 is required to provide for absorption of the 1986 pay raise requirements. A discussion by agency follows:

- o Immigration and Naturalization Service (INS): A reduction of -4 agent positions and -\$161,000 may severely restrict the ability of the INS to maintain its present level of participation in the OCDEF Program. INS positions are 100% dedicated to the OCDEF effort and in spite of the reduction for reimbursable FTEs already imposed, the Service has maintained a constant level of participation by diverting funds from its direct appropriation for operational and general expenses related to OCDEF operations in which INS agents participate. The INS will continue to support the OCDEF effort, but priority will be given to OCDEF investigations which demonstrate the highest possibility of prosecution and deportation of violent and criminal aliens involved in drug trafficking.
- o U.S. Marshall Service (USMS): A reduction of -\$17,000 will be offset through a decrease in travel and payroll expenses.
- o U.S. Customs Service (USCS): A reduction of -\$403,000 may result in reduced participation in the OCDEF Program. Customs OCDEF caseload increased by 121 percent from the beginning of 1981 through the beginning of 1983, without any increases in workyears during that period. Caseload carried into 1993 was 1,228 pending investigations, or 4.6 investigations per funded agent. An effort is being made to reduce the workload to a level commensurate with funding, which would be approximately 2.4 investigations per funded agent. This will require that Customs OCDEF workyears be expended on only the most significant major drug trafficking and money laundering investigations.
- o Bureau of Alcohol, Tobacco, and Firearms (ATF): A reduction of -\$162,000 may limit ATF's ability to participate in OCDEF investigations, as well as its ability to provide the necessary level of non-payroll support.
- o Internal Revenue Service (IRS): A reduction of -\$521,000 may reduce the IRS's ability to expand its participation in the OCDEF Program. IRS will attempt to maintain its operational commitment to OCDEF at current levels. This, however, will prove most difficult and fewer money laundering cases will be initiated in 1986.
- o U.S. Coast Guard (USCG): A reduction of -\$9,000 will be realized through a reduction in travel expenses and the purchase of supplies and materials.
- o United States Attorney (USA): A reduction of -25 positions (13 attorneys and 12 support), -25 workyears, and -\$1,088,000 will impact the OCDEF Program within the United States Attorneys' offices. The USA will continue to prosecute priority programs as established by the Attorney General and increase productivity whenever possible. Whenever possible, cost savings related to space charges, relocation expenses, and advanced technology leases will be implemented to minimize the impact of those reductions.
- o Criminal Division (CRM): A reduction of -\$10,000 will be offset through savings in non-payroll areas.
- o Tax Division (TAX): A reduction of -\$13,000 will be offset through a reduction in travel expenses.
- o Executive Office (EO-OCDEF): A reduction of -\$10,000 will be offset by savings in contractual services.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	LAW ENFORCEMENT											
	INS		USMS		USCS		BATE		IRS		USCG	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-15	...	...	...	...	...	...	...	...	...	...	...	...
GS-14	...	...	...	...	...	...	...	...	...	...	...	...
GS-13	...	...	...	...	...	...	...	...	...	...	...	...
GS-12	(4)	(121)	...	...	...	...	...	...	...	...	...	...
GS-11	...	...	...	...	...	...	...	...	...	...	...	...
GS-9	...	...	...	...	...	...	...	...	...	...	...	...
GS-8	...	...	...	...	...	...	...	...	...	...	...	...
GS-7	...	...	...	...	...	...	...	...	...	...	...	...
GS-6	...	...	...	...	...	...	...	...	...	...	...	...
GS-5	...	...	...	...	...	...	...	...	...	...	...	...
Ungraded positions	...	...	...	...	...	...	...	...	...	...	...	...
Total positions and annual rate	(4)	(121)	...	...	...	...	(1)	(57)	(1)	(45)	...	...
Lapses (-)	...	...	...	...	...	...	...	...	...	...	...	...
Other personnel compensation	...	...	...	...	...	...	...	...	...	...	...	...
Special personnel services payments	...	...	...	...	...	...	...	...	...	...	...	...
Total workyears and personnel compensation	(4)	(121)	...	...	...	...	(1)	(57)	(1)	(45)	...	...
Personnel benefits	(9)	(31)	...	...	...	...	...	...	...	...	...	...
Travel and transportation of persons	...	...	...	...	...	...	...	...	...	...	...	...
Transportation of things	...	...	...	...	...	...	...	...	...	...	...	...
GSA rent	...	...	...	...	...	...	...	...	...	...	...	...
Rental payments to others	...	...	...	...	...	...	...	...	...	...	...	...
Communications, utilities	...	...	...	...	...	...	...	...	...	...	...	...
Printing and reproduction	...	...	...	...	...	...	...	...	...	...	...	...
Other services	...	...	...	...	...	...	...	...	...	...	...	...
Supplies and materials	...	...	...	...	...	...	...	...	...	...	...	...
Equipment	...	...	...	...	...	...	...	...	...	...	...	...
Total program workyears and obligations	(4)	(161)	...	...	...	...	(1)	(162)	(1)	(621)	...	...
changes requested, 1999	...	...	...	...	...	...	...	...	...	...	...	...

Interagency Law Enforcement
Organized Crime Drug Enforcement
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	PROSECUTION				ADMINISTRATIVE SUPPORT		TOTAL OCDE			
	USA		CRM		TAX		EXEC. OFF		TOTAL OCDE	
Grades	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-15.....	1	...	...	...	...	...	...	...	...	...
GS-14.....	...	...	...	...	...	...	...	...	...	...
GS-13.....	...	...	...	...	...	...	...	...	(4)	(121)
GS-12.....	...	...	...	...	...	...	...	...	...	...
GS-11.....	...	...	...	...	...	...	...	...	...	...
GS-10.....	...	...	...	...	...	...	...	...	...	...
GS-9.....	...	...	...	...	...	...	...	...	...	...
GS-8.....	...	...	...	...	...	...	...	...	...	...
GS-7.....	(12)	(111)	...	...	...	...	...	...	(12)	(111)
GS-6.....	...	...	...	...	...	...	...	...	...	...
GS-5.....	...	...	...	...	...	...	...	...	...	...
Ungraded positions.....	(13)	(957)	...	...	...	...	...	...	(13)	(957)
Total positions and annual rate.....	(25)	(1,068)	...	...	...	...	...	...	(25)	(1,068)
Lapses (-).....	...	...	...	...	...	...	...	...	...	...
Other personnel compensation.....	...	...	...	...	...	...	...	...	(2)	(102)
Special personnel services payments.....	...	...	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	(25)	(1,068)	...	...	...	...	...	...	(31)	(1,261)
Personnel benefits.....	...	...	...	...	...	...	...	...	(108)	(223)
Travel and transportation of persons.....	...	...	...	...	...	...	...	...	(223)	(190)
Transportation of things.....	...	...	...	...	...	...	...	...	...	...
GSA rent.....	...	...	...	...	...	...	...	...	...	...
Rental payments to others.....	...	...	...	...	...	...	...	...	...	...
Communications, utilities.....	...	...	...	...	...	...	...	...	...	...
Printing and reproduction.....	...	...	...	...	...	...	...	...	...	...
Other services.....	...	...	...	...	...	...	...	...	...	...
Supplies and materials.....	...	...	...	...	...	...	...	...	(16)	(85)
Equipment.....	...	...	...	...	...	...	...	...	(255)	(95)
Total program workyears and obligations changes requested, 1988.....	(25)	(1,068)	...	(10)	...	...	...	...	(31)	(2,365)

Interagency Law Enforcement
 Organized Crime Drug Enforcement
 Priority Ranking
 Fiscal Year 1998

Base Program	
Program	Ranking
Law Enforcement	1
Drug Intelligence	2
Prosecution	3
Administrative Support	4

Interagency Law Enforcement
Organized Crime Drug Enforcement
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1995

Organization Total

Category	1994 Authorized*	1995			1996	
		President's Request	Adjustment in Perm Pos.*	Total Authorized	Program Decreases Total	
Attorneys (905).....	524	512	...	512	-13	499
Paralegal Specialists (950).....	45	45	...	45	...	45
Investigative Assistants (1802).....	1	1	...	1	...	1
Criminal Investigative series (1811).....	2,301	2,233	4	2,237	-4	2,233
Other Miscellaneous Occupations (901-999).....	11	11	...	11	...	11
Social Science, Economics, and Kindred (100-199).....	66	104	-19	85	...	85
Gen. Admin., Clerical, and Office Services (300-399).....	1,212	1,139	-24	1,115	-12	1,103
Accounting and Budget (500-599).....	6	6	...	6	...	6
Total.....	4,186	4,051	-39	4,012	-29	3,983
Washington.....	56	56	...	56	...	56
U.S. Field.....	4,128	3,993	-39	3,954	-29	3,925
Foreign Field.....	...	...	...	...	...	...
Total.....	4,186	4,051	-39	4,012	-29	3,983

* Subsequent to the transmittal of the 1995 budget to Congress, the U.S. Customs Service developed a revised operating plan that realigned position type and reduced position and workyear levels to correspond to available funding for both 1994 and 1995. In addition, the Bureau of Alcohol, Tobacco and Firearms has reduced its 1995 position and workyear levels to offset absorption of pay increases and other costs.

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Change
(Dollars in thousands)

	Perm Pos.	Work- years	Amount
1995 Availability.....	4,012	3,956	\$374,943
Adjustments to Base:			
Mandatory increases:			
One additional compensable day.....	...	...	530
1995 pay raise.....	...	...	4,940
Annualization and increase of 1995 pay raise.....	...	...	5,236
Within - grade increases.....	...	...	787
Health benefits.....	...	...	163
\$80 required buyout payment to OPM.....	...	...	129
General pricing level adjustments.....	...	...	707
Total, mandatory increases.....	...	...	12,492
Decreases:			
FERS savings.....	...	...	(1,577)
One-time equipment purchases.....	...	...	(5,000)
Total, decreases.....	...	...	(6,577)
1995 Base.....	4,012	3,956	380,858
Program Changes:			
Law Enforcement.....	(4)	(4)	(1,273)
Drug Intelligence.....	...	...	...
Prosecution.....	(25)	(25)	(1,094)
Administrative Support.....	...	...	(18)
Total, program changes.....	(29)	(29)	(2,385)
1995 Estimate.....	3,983	3,927	378,473

**Interagency Law Enforcement
Organized Crime Drug Enforcement
Justification of Adjustments to Base
(Dollars in thousands)**

Amount

\$ 530

Mandatory Increases:

1. One additional compensable day
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$409,000 for pay and \$121,000 for benefits).
2. 1996 pay raise
This request provides for the proposed 2.2 percent pay rate to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$4,940,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$3,804,000 pay and \$1,136,000 benefits = \$4,940,000).
3. Annualization and increase of 1995 pay raise
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for three-quarters of the year (\$4,032,000 for pay and \$1,204,000 for benefits).
4. Within-grade increases
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay rates, adjustments to include three-year attrition/separation rates, and career ladder series to project promotion policy for each organization. The request includes \$605,000 for pay and \$182,000 for benefits.
5. Health benefits
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1976. This rate was subsequently increased to 72 percent. The requested increase of \$183,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.

\$ 163

862

6. \$80 supplemental retirement contributions.....	Amount	129
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The required increase of \$129,000 provides for this contribution.		
7. General pricing level adjustments.....	707	
This request applies OMB pricing guidance as of January 29, 1993, to selected expense categories. The increased costs identified result from applying a factor of 2.6 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities. Excluded from the computation are categories of expense where increases have already been built into the 1995 estimates.		
Total mandatory increases.....	12,492	
Decreases (Automatic non-policy)		863
1. Federal Employees Retirement System (FERS).....	-1,577	
Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agency rate fell from 27.3 percent and the non-law enforcement agency rate fell from 12.9 to 11.4. The estimated decrease is \$1,577,000.		
2. One-time equipment purchases.....	-6,000	
The 1995 appropriation includes \$5,000,000 for the purchase of specialized computer equipment and software necessary to the operational mission of the National Drug Intelligence Center (NDIC). These purchases can be fully non-recurred in 1996.		
Total decreases.....	-6,577	
Total, adjustments to base.....	5,915	

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1994 Actual		1995 Availability		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-1, \$92,500.....	1	92,500	1	92,500	1	92,500	...	...
GS-15, \$71,044-\$93,106.....	9	71,044	9	71,044	9	71,044	...	...
GS-14, \$60,925-\$79,200.....	80	60,925	80	60,925	80	60,925	...	...
GS-13, \$51,507-\$67,021.....	1,460	51,507	1,456	51,456	1,452	51,452	-4	-4
GS-12, \$43,835-\$56,822.....	685	43,835	685	43,835	685	43,835	...	...
GS-11, \$38,174-\$47,025.....	92	38,174	91	38,174	91	38,174	...	...
GS-10, \$32,658-\$42,808.....	145	32,658	137	32,658	137	32,658	...	...
GS-9, \$29,691-\$38,069.....	38	29,691	37	29,691	37	29,691	...	...
GS-8, \$27,048-\$35,165.....	500	27,048	421	27,048	409	27,048	-12	-12
GS-7, \$24,441-\$31,770.....	384	24,441	371	24,441	371	24,441	...	...
GS-6, \$21,995-\$28,962.....	241	21,995	237	21,995	237	21,995	...	...
GS-5, \$19,732-\$25,666.....	518	19,732	508	19,732	493	19,732	-15	-15
GS-4, \$17,837-\$22,925.....	4,186	17,837	4,012	17,837	3,983	17,837	-23	-23
GS-3, \$16,149-\$20,841.....	57	16,149	56	16,149	56	16,149	...	...
GS-2, \$14,561-\$18,841.....	...	...	...	...	...	...	...	...
GS-1, \$13,013-\$16,841.....	...	...	...	...	...	...	...	...
Pay above stated annual rates.....	...	...	...	...	...	...	...	...
Total, all positions.....	...	...	...	...	...	...	...	...
Pay above stated annual rates.....	...	...	...	...	...	...	...	...
Savings due to lower pay scales for part of year.....	...	...	...	...	...	...	...	...
Net full-time permanent.....	4,129	195,021	3,966	200,268	3,927	205,253	-29	4,986
Other than permanent.....	...	...	...	...	...	...	...	...
Temporary employment.....	...	...	...	...	...	...	...	...
Other part-time and intermittent employment.....	...	...	...	...	...	...	...	...
Other personnel compensation.....	...	...	...	...	...	...	...	...
Overtime.....	22	955	22	947	22	977	...	30
Administrative unclassified.....	...	...	...	...	...	...	...	...
Other compensation.....	559	28,325	557	28,686	551	28,686	-8	218
Special pay for critical pay rates.....	38	1,623	38	1,623	38	1,623	...	77
Total part-time and personnel compensation.....	4,748	227,110	4,573	232,057	4,538	237,367	-35	5,310
Average ES Salary.....	...	(\$92,500)	...	(\$97,991)	...	(\$97,991)	...	...
Average GS Salary.....	...	(\$43,143)	...	(\$40,929)	...	(\$40,929)	...	...
Average GS Grade.....	...	(10.5)	...	(10.57)	...	(10.57)	...	...
Average Ungraded Salary.....	...	(\$79,786)	...	(\$76,141)	...	(\$76,141)	...	...

Interagency Law Enforcement
Organized Crime Drug Enforcement
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	* 1994 Actual		1995 Availability		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11.1 Full-time permanent.....	4,129	\$195,821	3,956	\$200,266	3,927	\$203,253	-29	\$4,985
11.2 Other than full-time permanent.....	...	19	...	19	...	19	...	...
11.3 Other personal compensation.....	619	50,908	617	31,213	611	31,536	-6	325
11.4 Special personal services.....	...	...	...	...	...	...	...	...
11.5 Other personal services.....	...	562	...	567	...	567	...	...
Total workyears and personal compensation.....	4,748	227,110	4,573	232,057	4,538	237,367	-35	5,310
12 Personal benefits.....	...	...	...	...	...	...	...	...
21 Travel and transportation.....	62,479	...	54,854	...	66,263	...	1,409	...
22 of persons.....	10,832	...	9,115	...	6,999	...	-116	...
22 Transportation of things.....	1,260	...	1,016	...	1,047	...	29	...
23 Other travel.....	2,140	...	2,083	...	20,625	...	304	...
23.1 Rental payments to others.....	1,201	...	1,022	...	1,022	...	...	...
23.2 Communications, utilities and miscellaneous charges.....	9,115	...	9,193	...	8,293	...	40	...
24 Printing and reproduction.....	339	...	319	...	322	...	3	...
25 Other services.....	28,458	...	30,822	...	26,122	...	-4,702	...
26 Supplies and materials.....	6,004	...	4,210	...	4,674	...	464	...
31 Equipment.....	12,127	...	9,608	...	9,396	...	787	...
Total.....	362,076	...	374,943	...	378,473	...	3,530	...
Relationship of obligations to outlays.....	...	...	...	...	...	...	...	...
Obligated balance, start-of-year.....	125,032	...	124,308	...	88,738	...	...	...
Obligated balance, end-of-year.....	-124,308	...	-83,738	...	-84,621	...	...	...
Adjustments in capital accounts.....	...	...	...	...	...	...	...	...
Outlays.....	\$362,076	...	\$408,510	...	\$377,961	...	...	...

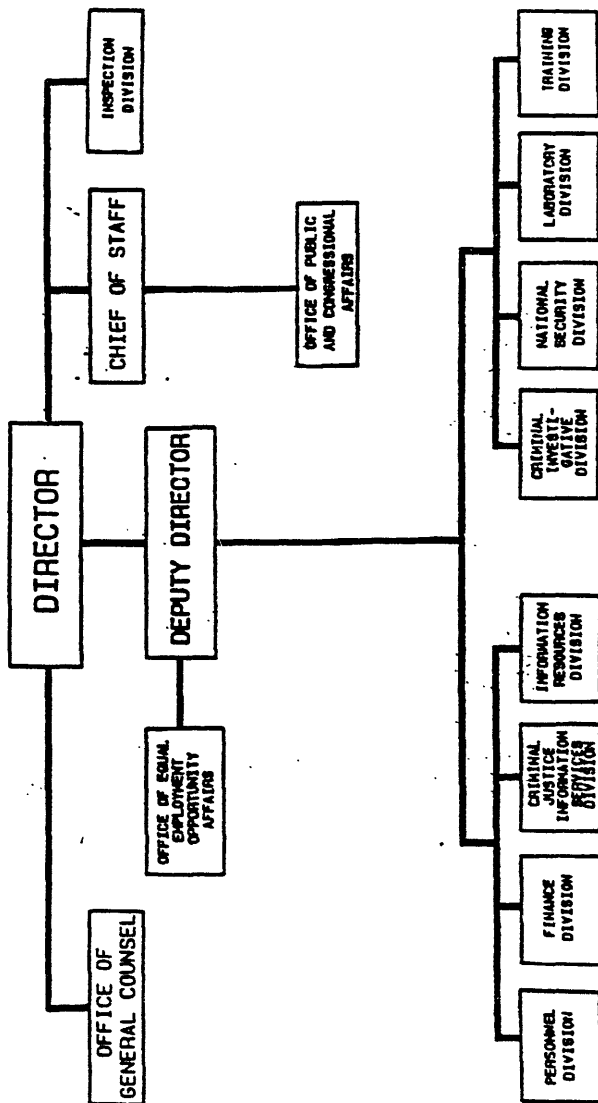
* FY 1994 budget authority revised from President's Budget to reflect final agency billings.

Department of Justice
Federal Bureau of Investigation
Salaries and Expenses
Estimates for Fiscal Year 1996

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FEDERAL BUREAU OF INVESTIGATION



Janet Reno

Approved: _____

JANET RENO
Attorney General

Date: 06/12/94

Federal Bureau of Investigation
Salaries and Expenses
Summary Statement
Fiscal Year (FY) 1996

Overview

For FY 1996, the President's budget proposes a total of \$2,307,201,000 in direct budget authority, 22,287 permanent positions, and 21,978 workyears (9,680 agent and 12,298 support). This request represents a net increase of \$103,606,000 and 630 workyears (218 agent and 412 support) over the FY 1995 appropriated level. Included in this amount are \$5,520,000 in program increases for the Organized Criminal Enterprises, Forensic Services, and Information Management, Automation, and Telecommunications programs that would improve the FBI's capabilities in international investigations and expand the application of computer technologies to investigative activities and forensic services.

In addition to the Salaries and Expenses appropriation, the President's budget would also provide \$46,500,000, 4 permanent positions, and 2 support workyears through the Violent Crime Reduction Trust Fund (VCRTF) and 2,781 reimbursable workyears (813 agent and 1,968 support), of which 1,073 workyears (645 agent and 428 support) would be for the FBI's Organized Crime Drug Enforcement program.

Overall, the President's FY 1996 budget would provide the FBI with a total of \$2,353,701,000 in budget authority, 22,291 permanent positions, and 24,761 workyears (10,493 agent and 14,268 support). This represents a net increase of \$150,106,000 and 632 workyears (218 agent and 414 support) over FY 1995.

The budget proposed by the President would fully fund the FY 1996 costs of the FY 1995 increase provided by Congress to restore the FBI's agent complement to its peak FY 1992 level. These additional agent workyears would be focused upon the investigation of violent crimes and emerging Russian and East European organized crime. Additionally, the proposed budget also funds the FY 1996 costs of support increases provided in FY 1995 for field support staffing and the Brady Bill.

Finally, a separate appropriation is being proposed in the President's budget to provide \$100,000,000 for reimbursements to telecommunications carriers for their costs in complying with the Communications Assistance for Law Enforcement Act of 1994. The Telephone Carrier Compliance appropriation would be administered and managed by the FBI.

The following is a summary of the program changes included in the FBI's FY 1996 budget request for its Salaries and expenses appropriation:

Organized Criminal Enterprises

International criminality is emerging as one of the major challenges facing law enforcement in the 1990s. In an October 1994, address before the forty-ninth session of the United Nations, President Clinton recognized the need for multinational cooperation in addressing this challenge and pledged that, "soon, under the leadership of our Federal Bureau of Investigation, we will open a law enforcement training academy in Europe, where police will learn how to combat more effectively trafficking of nuclear weapons components as well as the drug trade, organized crime, and money laundering." The FY 1996 budget requests an increase of \$2,000,000 to upgrade facilities at the Hungarian National Police training facility in Budapest, Hungary, to meet the requirements of an FBI International academy. The use of this property has been offered to the FBI by the Hungarian Government to conduct training of law enforcement officers from the new democracies in Central Eastern Europe, Russia, and the Newly Independent States. The FBI anticipates having the capability to train 300 officers annually at the facility.

Since 1992, the FBI has worked with the Ministry of Justice (MPJ), Peoples Republic of China, to foster cooperation in criminal investigations. Many high profile Asian organized crime cases, including drugs and illegal smuggling of aliens, involve subjects in the Peoples Republic of China. The liaison relationship between the FBI and the MPJ has progressed to the point where the Ministry is providing information which can be used in United States courts. In view of the growing number of Asian organized crime cases involving subjects in the Peoples Republic of China and the transfer of Hong Kong back to Chinese control in 1997, the FBI is proposing the establishment of a legal attache office within the United States Embassy in Beijing. This office would be jointly staffed by the FBI and the Drug Enforcement Administration (DEA). Funding totaling \$420,000 is requested for nonpersonnel costs associated with this initiative. A similar request is also being proposed by the DEA.

Forensic Services

The FBI's DRUGFIRE system is a computer database which allows forensic laboratories within a region or large metropolitan area to exchange and compare images of fired ammunition casings recovered from drive-by shootings, drug-related homicides, and other gang-related violent crimes. Beginning with a prototype system in six firearms laboratories in the Washington, D.C./Baltimore area in 1992, DRUGFIRE has since been installed in Southern

California (eight laboratories), Atlanta, Georgia (one laboratory), Florida (eight laboratories), and Chicago (three laboratories). Funding totaling \$600,000 is requested in the FY 1996 budget to install the DRUGFIRE system in Ohio, Indiana, New York, and Richmond, Virginia. The FBI also is working with the Office of National Drug Control Policy (ONDCP) to develop a common platform and structure for this technology.

DRUGFIRE represents one example of how federal law enforcement technical assistance can provide state and local agencies with advanced technology applications that aid in the investigation and solution of violent crime in their communities and support the successful prosecution of criminals involved in serial violent crimes often committed across multiple jurisdictions.

Information Management, Automation, and Telecommunications

The FY 1996 budget also proposes an increase of \$2,500,000 for the acquisition of 641 desk-top computer workstations for deployment to FBI field offices. This funding would permit agents and analytical staff to access, process, and update intelligence databases developed to support criminal and counterintelligence programs and activities. The use of computer technology facilitates nearly all aspects of case management, from assigning and tracking leads to deploying personnel during surveillances to recording the results of interviews, searches, crime scenes, and subpoenas.

Federal Bureau of Investigation
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; (\$2,204,871,000), of which not to exceed \$25,000,000 for automated data processing and telecommunications and technical investigative equipment and \$1,000,000 for undercover operations shall remain available until September 30, (1996), of which not to exceed \$14,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed \$10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with state and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; of which, \$14,100,000, to remain available until expended, shall only be available to defray expenses for the automation of fingerprint identification services and related costs; and of which \$1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services; Provided, That not to exceed \$45,000 shall be available for official reception and representation expenses; Provided further, That of the offsetting collections credited to this account, \$572,000 are permanently canceled).

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**Federal. Plan of Investigation
 Statistics and Summary
 Justification of Proposed Changes in Americanization Lessons (continued)**

**429 W.S.C. 3291-371 18 W.S.C. 3032, 3033, 1939, 22 W.S.C. 4011, 4012, Department of Justice and
 United States Americanization Act, 1952, 1**

Explanation of changes

1. Cancellation of offsetting collections was a one-time only action for 1952.

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**Federal Bureau of Investigation
Salaries and Expenses
Continuation of 1995 Changes
(Dollars in Thousands)**

	1995 President's Budget Request			Congressional Action on 1995 Request			Other Changes			Reprogramming			1995 Appropriation Anticipated		
	Pos	WY	Ant	Pos	WY	Ant	Pos	WY	Ant	Pos	WY	Ant	Pos	WY	Ant
Active Program															
1 Criminal Security and Other Investigations															
a Organized Criminal Enterprises	3,215	3,128	\$290,999	414	277	\$21,619			\$2,612	125	125	\$1,414	3,774	3,530	\$18,164
b White Collar Crime															
and Applicant Investigations	4,756	4,651	419,586												
c White Collar Crime				72	54	1,911							4,538	4,444	401,852
d Other Field Programs	7,818	7,661	755,543	340	224	16,994				4,486	4,390	399,919	8,337	8,064	797,339
Subtotal	15,809	15,440	1,465,628	846	555	40,546			2,632	34	41	8,349	16,689	16,038	1,517,355
2 Law Enforcement Support															
a Training	551	536	51,723							(551)	(536)	(51,723)			
b Training, Recruitment and Applicant				3	2	7,719				848	833	80,184	851	825	87,903
c Forensic Services	583	571	53,429	92	92	6,817				(72)	(72)	(4,713)	603	591	55,333
d ADP & Telecommunications	440	427	138,895							(440)	(427)	(138,895)			
e Informative Management	643	624	41,881							(643)	(624)	(41,881)			
f Informative Management, Automotive															
g Technical Field Support & Equipment	159	156	92,431			(107)				945	912	161,843	945	912	161,136
h Technical Field Support & Service										(159)	(156)	(92,431)			
i Criminal Justice Services	1,586	1,597	168,746	209	159	9,639				155	152	90,881	155	152	97,803
Subtotal	3,964	3,911	\$47,105	304	253	\$0,181			(150)	78	69	6,381	1,792	1,603	181,492
3 Program Director															
a Management and Administration	1,303	1,278	115,058	61	61	4,877				(112)	(112)	(14,930)	1,232	1,227	105,005
Total	21,076	20,639	\$2,127,791	1,211	869	\$75,804			(150)	\$2,612			22,287	21,348	\$2,206,277

Federal Bureau of Investigation
Salaries and expenses
Unusually of 1995 Changes
(Dollars in Thousands)

1995 Congressional Action

Congress directed a request to cut \$4.4 million to eliminate state local travel reimbursements for training. An increase of 151 support positions and work years and \$11,800,000 is provided to replace select agents being transferred from headquarters to the field. An increase of 599 positions (including 298 agents), 367 work years (including 218 agents) and \$4,800,000 is provided to address Russian Eastern European Organized Crime. Also provided is an increase of 250 positions, 188 work years, and \$7,500,000 to reduce field support positions. An increase of 209 support positions, 159 work years and \$6,360,000 is for support personnel to ensure timely Act compliance. Finally, an increase of \$4,500,000 is provided for Digital Telephony requirements.

Other Changes

The FBI's FY 1995 budget initially included funding for a 1.6 percent payraise for 1995. However, the budget eventually enacted included approximately a 3.2 percent payraise, with a locality adjustment. This appropriation did not include funding for this higher payraise. The funding necessary for this payraise results in a 150 work-year reduction in FY 1995 for the FBI. Funds are provided in 1996 to restore this one-year early work-year reduction. This will not have an effect on actual work years utilized because the FBI is below its authorized FTE level and is currently bringing to eventually reach its full staffing level.

Also reflects a one-year transfer of \$2,612,000 from the Office of National Drug Control Policy to the FBI for investigations of high intensity drug trafficking areas (HIDTA).

Repositioning

Includes the transfer of agents from headquarters to the field. In addition, a conversion to the new programmatic structure is included. Finally, this column reflects the creation of a Critical Incident Response Group and other minor staffing adjustments.

Adjustments to base:

Item.	Est.	10/2	Amount
1995 as Enacted			
Absorption of Unvanded 1995 Pay Rates	22,267	21,499	82,504,871
Procurement Savings		(193)	
Enacted as Adjusted	22,267	21,306	82,504,871
Transfer from HDITA			2,652
Liability	22,267	21,306	2,652
recuring of 1995 HDITA Transfer			(2,652)
refer to Violent Crime Reduction Trust Fund			
Drug Supplies Materials			(493)
Contingency			
Contingent of FBI Academy			
Contingent of FBI Academy			
Mandatory Increases		630	114,295
Decreases			(13,000)
1996 Base	22,267	21,936	114,295

	1995 Authority			1995 Base			1995 Estimate			Increase/Decrease		
	Perm Pos.	WT%	Amount	Perm Pos.	WT%	Amount	Perm Pos.	WT%	Amount	Perm Pos.	WT%	Amount
Estimates by Budget Activity												
1 Criminal, Security, and Other Investigations	16,699	16.099	\$1,517,595	16,699	16.467	\$1,600,612	16,699	16.467	\$1,600,032	...	...	\$2,450
2 Law Enforcement Support	4,346	4.093	960,367	4,346	4.364	997,444	4,346	4.364	996,544	...	...	3,100
3 Program Operation	1,253	1.277	109,005	1,253	1.287	109,636	1,253	1.287	109,636	...	...	...
Total	22,297	21.346	\$2,506,977	22,297	21.978	\$2,501,691	22,297	21.978	\$2,507,201	...	...	\$5,500
Estimates by Budget Function												
Special Program	578	606	\$90,421	578	606	\$92,324	578	606	\$92,324	...	...	...
Administration of Justice	2,170	20.781	\$2,155,006	2,170	21.612	\$2,216,457	2,170	21.612	\$2,224,877	...	...	\$5,500
Salaries and Expenses	22,297	21.346	\$2,306,557	22,297	21.978	\$2,301,691	22,297	21.978	\$2,307,201	...	...	\$5,500
Total	22,297	21.346	\$2,306,557	22,297	21.978	\$2,301,691	22,297	21.978	\$2,307,201	...	...	\$5,500

* Does not include 500 workers allowed under the 1994 Emergency Supplement Appropriations Act due to the temporary nature of these workers and funding, although hiring to staff these workers is proceeding under that authority.

Federal Bureau of Investigation
Salaries and Expenses
Summary of Expenses by Program
(Details in Worksheet)

	1994 as Enacted			1994 Actuals			1994 Appropriation			1994 Base			1994 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Expenses by Program																		
Criminal, Security, and																		
Other Investigations:																		
Organized Criminal Enterprises	3,307	3,220	\$171,196	3,164	2,995	\$291,002	3,774	3,530	\$110,164	3,774	3,703	\$143,612	3,774	3,703	\$146,822	-	-	\$2,209
White Collar Crime/Appellate	4,706	4,681	399,175	4,977	4,573	420,831	4,538	4,411	401,852	4,538	4,463	419,513	4,538	4,463	419,513	-	-	-
White Collar Crime	6,602	7,660	720,624	8,169	7,637	728,213	8,337	8,064	792,339	8,337	8,232	\$12,487	8,337	8,232	\$12,487	-	-	-
Other Field Programs	16,135	15,744	1,393,995	18,271	15,208	1,438,546	16,609	16,836	1,513,355	16,609	16,467	1,400,812	16,609	16,467	1,400,812	-	-	2,420
Subtotal																		
Law Enforcement Support:																		
Training	900	865	51,654	628	670	56,725	-	-	-	-	-	-	-	-	-	-	-	-
Training, Recruitment, and Appraisal	-	-	-	-	-	-	851	825	87,003	851	826	86,999	851	826	86,999	-	-	-
Technical Services	578	566	51,036	511	590	50,318	600	591	55,533	603	593	56,832	603	593	57,632	-	-	600
AUD & Telecommunications	473	460	136,476	471	504	132,907	-	-	-	-	-	-	-	-	-	-	-	-
Information Management	760	722	43,884	755	803	48,936	-	-	-	-	-	-	-	-	-	-	-	-
Information Management, Automation, and Telecommunications	-	-	-	-	-	-	945	912	161,156	945	912	162,125	945	912	164,625	-	-	2,500
Technical Field Support & Services	169	164	94,668	166	107	79,825	155	153	97,403	155	152	95,568	155	152	95,568	-	-	-
Criminal Justice Services	1,829	1,870	172,786	1,855	1,666	229,829	1,723	1,603	181,072	1,723	1,603	181,709	1,723	1,603	182,709	-	-	-
Subtotal	4,419	4,259	565,832	4,366	4,726	677,336	4,546	4,603	501,607	4,546	4,284	592,444	4,546	4,284	593,544	-	-	1,100
Program Director:																		
Management and Administration	1,283	1,257	197,979	1,289	1,608	198,064	1,253	1,417	185,005	1,253	1,237	189,612	1,253	1,237	189,612	-	-	-
TOTAL	21,937	21,647	2,062,376	21,937	21,604	2,158,866	22,287	21,548	2,266,227	22,287	21,978	2,301,681	22,287	21,978	2,307,201	-	-	5,320
Reimbursable Work years	2,852			2,491			2,781			2,781			2,781					
Total Work years	22,077			22,522			25,122			25,122			25,122					
Other Work years:																		
Holiday	105			90			105			105			105					
Overtime	2,283			2,169			2,324			2,379			2,379					
AUD	273			182			282			282			282					
Other	26,792			25,523			26,829			27,532			27,532					
Total complete work years																		

* Does not include 500 work years allowed under the 1993 Emergency Supplemental Appropriations Act due to the temporary nature of these work years and funding, although being to use if these work years is proceeding under that authority.

Federal Bureau of Investigation

Salaries and expenses

Justification of Program and Performance

Activity Resource Summary
(Dollars in thousands)

Activity: Criminal Security and Other Investigations Other Field Programs Organized Criminal Enterprises White-Collar Crime Total	1995 Appropriation Anticipated			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
	8,357	8,064	\$787,339	8,357	8,222	\$837,487	8,357	8,222	\$837,487	...	...	...
	3,774	3,530	318,164	3,774	3,783	343,612	3,774	3,783	346,032	...	...	\$2,420
	4,558	4,434	401,852	4,558	4,452	412,513	4,558	4,452	412,513	...	...	...
	16,689	16,028	\$1,517,355	16,689	16,457	\$1,600,612	16,689	16,457	\$1,603,032	...	...	\$2,420

This budget activity includes resources for managing and coordinating field investigations and resources for all field investigative operations for the FBI. The operations are conducted out of 56 field offices and approximately 400 resident agencies throughout the United States. Puerto Rico, the U.S. Virgin Islands, Guam, and Saipan. Field offices are responsible for all investigations including the national priority law enforcement areas of organized crime, drugs, white-collar crime, counterterrorism, violent crime, and foreign counterintelligence. This activity also includes civil rights investigations, applicant matters, and the field legal attaches program activities.

1995 Appropriation

Anticipated

Perm.

NY

Amount

8,357

8,064

\$787,339

8,357

8,222

\$837,487

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1996 Estimate

Perm.

NY

Amount

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\$837,487

8,357

8,222

\$837,487

Increase/Decrease

Perm.

NY

Amount

...

MAJOR OBJECTIVES:

To investigate threats, assaults, kidnappings, or assassination of designated Government officials and law enforcement officers. To investigate kidnapping, the sexual exploitation of children, extortions, bank robbery, and other violent crimes under FBI jurisdiction, including crimes perpetrated through gang violence. To investigate serious violent and major property crimes committed on Indian reservations, in Federal correctional institutions, and on United States Government property. To identify and investigate individuals and organized groups involved in interstate shipment theft, interstate transportation of stolen property, motor vehicle theft rings, fencing of stolen goods, and other Federal property crimes. To maintain a strong partnership with state and local law enforcement and community leaders through the Safe Streets and Community Outreach Initiatives.

To locate and apprehend federal, state and local fugitives charged under the Fugitive Felon Act, with unlawful flight to avoid arrest, prosecution, or confinement for violent crimes, or substantial property thefts. To locate and apprehend United States military personnel who desert under aggravated circumstances.

To investigate alleged violations of various civil rights statutes which are either self-initiated or at the request of the Attorney General. To provide the results of civil rights investigations to the Department of Justice for prosecutive action or referral to another federal agency for appropriate action. To provide training to local, state and federal law enforcement regarding civil rights matters.

To address and respond to crisis situations such as hostage-taking, terrorist activities, prison riots, and any other incidents of a critical nature occurring in any location which require an emergency response by a diverse group of law enforcement resources, including crisis management, profiling, hostage negotiations, tactical response, and aviation support.

To detect, prevent, and/or react to unlawful, violent acts and criminal activities of domestic terrorist groups or individuals.

BASE PROGRAM DESCRIPTION: The 1996 budget request for the Other Field Programs Decision Unit is 8,357 positions, 8,222 workyears and \$637,487,000. This represents an increase of 156 workyears and \$40,146,000 from the 1995 level. This base increase represents the annualization of the 1995 support position increase and the mandatory increases to support the Other Field Programs Decision Unit.

The program structure of the Other Field Programs Decision Unit has been changed beginning in 1995 to reflect the formation of the Critical Incident Response Group (CIRG). The CIRG consolidates all of the FBI's units and functions that deal with crisis situations, to better coordinate the FBI's response to major law enforcement crises, such as hostage-taking situations and barricade incidents. CIRG was created following a study of the Waco, Texas, standoff, which indicated that improvements could be made in the way the federal government responds to a crisis.

The CIRG is composed of two branches, Tactical Support and Special Investigations. The Tactical Branch consists of the Hostage Rescue Team, Special Weapons and Tactics Training Unit, and Special Detail Unit. The Special Investigations Branch incorporates the Investigative Support Unit (National Center for the Analysis of Violent Crime), Child Abductors and Serial Killers Unit, Aviation and Special Operations Unit, Crisis Management Unit, and Undercover Safeguard Unit. The FBI is the lead federal agency in complex hostage/barricade situations and domestic terrorist operations, and offers assistance to the Department of Justice in reviewing plans for high-risk and sensitive raids. There are crises which pose great dangers and require skills that are not routinely available to law enforcement agencies. When faced with complex hostage/barricade incidents, law enforcement must respond by providing a well-equipped and highly skilled tactical team to contain suspects and bring the incident to a close, using, if necessary, appropriate force; trained and experienced negotiators, supported by pertinent research on successful techniques in similar situations, who can attempt to achieve a peaceful resolution; behavioral science experts who can advise the tacticians and the negotiators about the suspects and assist them in developing strategies; and a command structure that integrates training, experience, and leadership qualities to orchestrate rescue and negotiation efforts in light of social science knowledge.

Another element of this Decision Unit is the Counterterrorism Program. The FBI is the lead Federal Law enforcement agency in the United States Government's fight against terrorism. Terrorist groups are those groups that direct their activities at elements of the United States Government or population with the intent to either overthrow the U.S. Government, interfere with the activities of a foreign government in the United States, substantially impair the functioning of the Federal Government, a state government or interstate commerce, or, deprive citizens of the United States of their civil rights, as guaranteed by the U.S. Constitution.

The reactive portion of the program utilizes all the resources and techniques of the FBI to investigate and prosecute terrorists who commit violent and illegal acts in the United States. These criminal acts include violations of the Protection of Foreign Officials, Neutrality, and Extortion statutes, as well as firearms and explosives laws. Additionally, as a result of the passage of the Comprehensive Crime Control Act of 1984 (title 18, United States Code [USC], Section 1203, entitled "Hostage Taking"), the FBI acquired jurisdiction and authority to act, where appropriate, in certain terrorist related hostage situations.

All aspects of terrorist groups are the constant focus of intensive research that provide analytical assessments regarding potential danger to United States' interests. These analyses are used as investigative aids by FBI field agents and FBIHQ's management personnel.

The FBI has enjoyed a substantial degree of success in the investigation of terrorist organizations. These successes are attributable, in part, to formalized working relationships with state and local law enforcement in the form of Joint Terrorism Task Forces (JTTFs). The JTTFs have achieved success in obtaining arrests and convictions in a number of terrorism investigations. It is anticipated that the resources devoted to these JTTFs will continue to be effective in reducing terrorist acts against the United States.

Another aspect of the Counterterrorism Program is the responsibility for the Special Events Management (SEM) Program. A "special event" is broadly defined as any major event occurring within the United States or abroad of such national or international importance that it becomes an attractive terrorist target. Examples of special events forthcoming include the 1996 Olympic Games to be held in Atlanta, Georgia, as well as the two national political conventions. The function of the SEM Program within the FBI is to coordinate contingency planning for response to a terrorist incident during a special event.

The FBI's Security Countermeasures (SCM) Program is a nationally-directed and coordinated program consisting of eight operational activities targeting specific high threat areas subject to compromise and penetration by persons, groups, or organizations whose interest are inimical to the United States. These eight operating disciplines are as follows: Personnel security; Industrial security; Security clearance investigations; Physical security; Information security; Sensitive Compartmented Information and Special Access Programs; Operations security; as well as Automated Data Processing and Telecommunications security.

SCM employs the Background Investigations Contract Services (BICS) Program. The BICS Program utilizes former federal investigators on a contractual basis to conduct background investigations for five-year personnel security reinvestigations of on-board personnel, and for personnel not employed by the FBI but who have access to FBI information and/or facilities.

The most aggressive undertaking of the SCM Program during 1994 has been the expansion of the FBI's Five-Year Reinvestigations Program. Prior to August 1994, the Five-Year Reinvestigations Program was limited to credit and arrest checks and a review of an employee's personnel file. Since August 1994, the Five-Year Reinvestigation Program has expanded to include full-field background investigations including neighborhood inquiries, interviews of references, associates, supervisors, and co-workers, as well as an interview with the employee. As a result of this initiative, the FBI is realizing compliance with the reinvestigation requirements set forth in DOJ Order 2610.2A, entitled "Employment Security Regulations," as well as Intelligence Community standards.

Within the Other Field Programs Decision Unit are components of the Legal Attache Program. The mission of the FBI's Legal Attache Program is to establish and maintain liaison with principal law enforcement agencies in designated foreign countries. This liaison enables the FBI to effectively and expeditiously meet its international responsibilities in foreign counterintelligence and international terrorism. This program provides for a prompt and continuous exchange of information with foreign law enforcement agencies. In recent years, the enactment of laws granting extraterritorial jurisdiction has made the Legal Attache's role increasingly more active. The prosecution of violators of federal law for crimes committed outside the territorial boundaries of the United States mandates that investigations be conducted in foreign countries requiring the presence of the Legal Attaches.

Accomplishments and Workload: Actual and projected workload and accomplishments of the Other Field Programs is presented in the following table:

Item	1991	1994	1995	Estimates	1996
Workload:					
Investigative Matters:					
Pending at Beginning					
Received	40,049	39,340	37,069	34,701	34,701
Completed	83,598	81,057	84,786	87,709	87,709
Pending at End	84,496	83,328	87,154	90,158	90,158
Investigations Initiated	39,148	37,069	34,701	32,252	32,252
Terrorist Incidents	2,288	2,072	1,560	1,560	1,560
Prevented	10	3	6	6	6
Industrial Security	5,644	5,933	6,178	6,778	6,778
Security Clearance					
Investigations	1,792	2,181	2,250	2,350	2,350
Security Officer Matters	75	101	100	100	100
Re-Investigations	3,707	4,004	4,345	7,565	7,565
Accomplishments:					
Complaints Filed	6,698	5,879	6,149	6,363	6,363
Informations Filed	1,024	1,107	1,161	1,201	1,201
Indictments Returned	5,757	5,482	5,734	5,938	5,938
Subjects Arrested*	18,684	20,570	21,499	22,237	22,237
Subjects Located	3,359	3,966	4,148	4,298	4,298
Convictions/Pretrial Diversions*	5,925	5,760	6,007	6,214	6,214
Fines (\$000)	\$10,317	\$13,374	\$13,989	\$14,478	\$14,478
Recoveries/Restitutions (\$000)	\$356,320	\$322,399	\$337,219	\$348,941	\$348,941
Potential Economic Loss Prevented (\$000)	\$93,192	\$178,336	\$186,534	\$192,968	\$192,968
* Includes data from all of the Other Field Programs entities.					
Accomplishments:					
Local Arrests	4,028	3,204	3,351	3,457	3,457
Local Convictions/Pretrial Diversions	1,966	2,091	2,182	2,257	2,257
Local Fines (\$000)	\$1,855	\$3,683	\$3,853	\$3,986	\$3,986

Several examples reflecting the high public impact and violent nature of matters handled within the Other Field Programs Decision Unit are as follows:

The New Orleans Field Office initiated a Safe Streets Task Force consisting of personnel from the FBI, Shreveport Police Department, Caddo Parish Sheriff's Office, Louisiana State Police, and an analyst from the Louisiana National Guard. The combined efforts of the task force members resulted in the identification of the Bottom Boys Gang as a nonaligned street gang operating an open-air drug market. This organization was considered to be the most violent-prone gang in the Shreveport area. The task force developed cooperative witnesses and informants, utilized undercover techniques and electronic surveillance. In August and September 1994, a Federal Grand Jury (FGJ) returned sealed indictments charging 14 subjects with Interstate Transportation in Aid of Racketeering activity, operating a Continual Criminal Enterprise, Conspiracy. Further, in September 1994, the Caddo Parish District Attorney's Office authorized local arrest warrants for 31 additional gang members who committed criminal acts, but whose documented level of criminal activity did not rise to include them in the Federal Continuing Criminal Enterprise indictment. The task force executed mass arrest and search warrants in September, resulting in the arrest of 12 individuals charged federally and 9 of the locally charged individuals. Also, eight probable cause arrests for drug possession were made by the task force's local participants of persons not previously targeted for arrest. A total of nine search warrants were served, and \$36,000 in cash was seized, along with automobiles, electronics, and an extensive collection of gold jewelry. Since the initial operation, the two remaining federal indictees and seven more of the local subjects have been apprehended. Currently, all are awaiting trial.

In August 1994, a FGJ returned an indictment charging Learick Nelson with violating Federally Protected Activities. This extensive Civil Rights investigation concerned the alleged racially motivated stabbing death of Yankel Rosenbaum in the Crown Heights Section of New York City. The incident resulted in considerable controversy within the Crown Heights community.

Approximately two years ago, the New York Field Office began an investigation targeting tractor trailer theft crews comprised of La Cosa Nostra (LCN) associates based primarily in Brooklyn, New York. The initial investigation focused on the theft and redistribution of property stolen from interstate shipments. As a result of an extremely successful cooperating witness and the utilization of innovative techniques, the New York Field Office was able to penetrate several crews of extremely violent LCN associates. In addition to amassing evidence of numerous tractor trailer thefts, evidence has been accumulated concerning homicides, arson, extortions, loan sharking, credit card thefts, motor vehicle thefts, and the sale and possession of illegal firearms. Approximately 500 firearms have been recovered, including fully automatic assault weapons, semi-automatic assault weapons, weapons with silencers, and unusual weapons such as street sweepers (a semi-automatic shotgun with a drum magazine). Also, many quantities of heroin and cocaine and substantial amounts of stolen property have been purchased from numerous subjects of this case. In November 1994, 43 subjects were arrested by the FBI and New York Police Department and are currently awaiting trial.

The FBI is participating in a joint DOJ Task Force regarding possible conspiracies to kill/assault health care providers performing abortions and to commit violent acts against abortion clinics. Investigation continues into these matters. To avoid improper interference with the legitimate exercise of First Amendment rights, investigative efforts are focused on the alleged criminal activity, and on identifying those persons possessing knowledge of or involvement in criminal activity related to abortion clinic violence.

On October 5, 1994, Paul Hill, Director of Defensive Action, was convicted on two federal counts of the Freedom of Access to Clinic Entrances Act of 1994, and one count on Use of a Firearm in Commission of a Felony. The verdict was handed down in the United States District Court, Northern District of Florida, and Hill sentenced in December 1994. In November 1994, a Florida State court jury, found Paul Hill guilty of murder, attempted murder, and firing a gun into an occupied vehicle. Hill was sentenced in December 1994, to die in Florida's electric chair. Under Florida Law, Hill will be granted an automatic appeal before his execution.

On February 23, 1994, Provisional Irish Republican Army (PIRA) member Terence Kirby was arrested by the FBI in San Francisco, California. Kirby escaped from Her Majesty's Prison Maze in Northern Ireland in 1983. At the time of his escape, Kirby was serving a life sentence for murder. Kirby is presently incarcerated in San Francisco awaiting a ruling on an extradition request from the British Government.

On February 24, 1994, Peter Eamon McGuire was extradited to the United States from the Republic of Ireland. McGuire was the remaining defendant in the Richard Clark Johnson case, an investigation involving assistance to PIRA in the design, development, and production of remote controlled incendiary and explosive devices and a rocket delivery system. Three defendants were previously convicted in 1990; one pled guilty. On June 15, 1994, McGuire was sentenced in Boston, Massachusetts, to concurrent sentences of three years, five years, and, five years, 10 months on various weapons and conspiracy charges.

On March 4, 1994, a jury in the Southern District of New York convicted Muhammad Amin Salameh, Mital Ayyad, Mahmud Abouhalima, and Ahmed Ajaj for their involvement in the February 26, 1993, bombing of the World Trade Center. The four subjects were found guilty on all counts, to include conspiracy; explosive destruction of property used in interstate commerce; explosive destruction of government motor vehicles; traveling in state or foreign commerce with the intent to commit a crime of violence; assault upon a Federal officer; and, using or carrying a destructive device during a crime of violence. On April 25, 1994, each of the four defendants received a 240-year prison sentence and a \$500,000 fine. Additionally, it was ruled that any money the subjects received from interviews or books they may author must be turned over to the families of the six individuals killed in the World Trade Center attack.

During April 1994, the Miami Field Office was contacted by representatives of the Internal Revenue Service (IRS), who advised that an IRS source had been approached by an individual who advised that Rodolfo Prometa, Fausto Marimon, and Jaime Izquierdo-Garcia had tasked him with finding someone to sell them a Stinger missile. Prometa, Marimon, and Izquierdo-Garcia are known to be members of the F-4 Commandos, a splinter group of Alpha 66, a Miami-based anti-Castro organization. On June 2, 1994, a Miami Undercover Agent met with subjects Prometa and Marimon at a United States

Customs Service facility in Miami under the guise of culminating the sale of the Stinger Missile. Frometa and Marimon were arrested at that time without incident. Both subjects were convicted on September 29, 1994, of conspiracy to commit offense or to defraud the United States, as well as of the arms export control act. Frometa was sentenced to 41 months of incarceration followed by two years probation. Marimon received a one year sentence followed by two years probation.

After extensive negotiations with Federal authorities, Claude Daniel Marx and Donna Jean Willmott, both Top Ten fugitives, surrendered to the FBI in Chicago on December 6, 1994. For eight years the FBI sought Marx and Willmott for assisting in a plan to liberate Oscar Lopez from the U.S. Penitentiary in Leavenworth, Kansas. Lopez is a leader of the Armed Forces of National Liberation, a clandestine Puerto Rican terrorist group based in the continental United States, and believed responsible for causing five deaths, 84 injuries, and over \$1.5 million in property damage.

On March 31, 1993, the Federal Grand Jury in the Eastern District of Missouri returned an indictment against Saif Mijneh, Luile Mijneh, and Tawfiq Musa on charges that these three individuals violated the racketeer influenced and Corrupt Organizations statute based on their illegal activities in connection with the Abu Widal Organization. This indictment culminated an investigation which began in 1986, focusing on these three individuals and a fourth person, Zein Hassan Isa. In July 1994, Saif Mijneh, Luile Mijneh, and Tawfiq Musa pled guilty to specific charges in the indictment. They were sentenced on October 21, 1994 to 21 months incarceration and two year probation.

On February 28, 1992, an arson fire was discovered at Michigan State University, East Lansing, Michigan, in which two offices of research professors were destroyed. Also damaged was a milk research facility located approximately four miles from the main campus of the university. On June 17, 1993, Rodney Adam Coronado, a suspected member of the Animal Liberation Front, was indicted by a federal grand jury for the Western District of Michigan for his participation in the aforementioned arson. On September 29, 1994, Coronado was arrested on the Pascua Yaqui Indian Reserve, Arizona. Coronado is scheduled to go to trial in Michigan during March 1995.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	NYL	Amount	Perm.	NYL	Amount	Perm.	NYL	Amount	Perm.	NYL	Amount
Organized Criminal Enterprises.....	3,774	3,520	\$310,164	3,774	3,703	\$343,612	3,774	3,703	\$346,032	...	...	\$2,420

LONG-RANGE GOAL: To eliminate the La Costra Morte (LCM), Asian, Italian, European, Eurasian, South American, Mexican, African and other international and domestic organized crime groups as significant threats to American society and to reduce the incidence of illegal drug trafficking, other criminal activity and violence which drug trafficking generates in American society through sustained, coordinated investigations that support successful prosecutive action and to develop training sessions and improve liaison with principle law enforcement and intelligence/security services in

designated foreign countries to enable the FBI to effectively and expeditiously meet its international responsibilities concerning domestic criminal investigations that scope the world.

MAJOR OBJECTIVES:

To penetrate the hierarchy of the LCN, Asian, European, Eurasian, South American, Mexican, Italian, African, and other organized crime groups by identifying the hierarchical structure, composition and membership of these groups in an effort to determine their complicity in criminal activity as well as determine the extent of interrelationships among the LCN families and other organized crime groups, thereby developing successful prosecutions for specific violations of Federal statutes, including the Racketeer Influenced Corrupt Organizations (RICO) and the Continuing Criminal Enterprises (CCE) statutes.

To continue to conduct effective, coordinated investigations against major criminal enterprises in accordance with the FBI's National Strategy Against Organized Crime Enterprises (NCOCE) with the ultimate objective of disrupting and dismantling networks involved in the violation of Title 18 and Title 21 of the United States Code, arresting the hierarchy of those organizations, and seizing their ill-gotten assets for eventual forfeiture.

To fully utilize the money laundering statutes in the investigation and prosecution of major international and domestic criminal enterprises in an effort to seize and forfeit their assets.

To further develop and maintain a national intelligence base consisting of quality, high level informants to penetrate the organizational structure and operations of criminal enterprises; develop cooperating witnesses to provide first hand testimony as to the day-to-day operations of these illegal organizations and sponsor their subsequent entry into the Witness Security Program; and encourage liaison efforts with other law enforcement agencies.

To further determine the extent of influence and control the LCN has established within legitimate labor unions in the United States through an aggressive and successful Labor Racketeering Program that ultimately would eliminate this control and have a positive impact upon the Nation's economy and to utilize the civil provisions of the RICO statute in order to rid the labor movement of the debilitating influence of the organized crime.

To provide overall coordination and management oversight of initiatives relating to development and use of sophisticated and/or sensitive investigative techniques and to provide training, logistical, and technical support for significant criminal investigations.

To provide mutual assistance to foreign law enforcement agencies through training relative to criminal activities through education, personnel exchange, investigative cooperation, and technical assistance to thwart criminal activities in their own countries to prevent escalation in the United States and Western Europe.

To continue to improve liaison relationships with various foreign law enforcement agencies to provide continuous exchange of information with foreign law enforcement and intelligence agencies.

BASE PROGRAM DESCRIPTION: Organized crime is a continuing and self-perpetuating criminal conspiracy, employed by groups that are hierarchical in structure, fed by fear and corruption, and motivated by the potential generation of profits, impacting particular locales/regions or the Nation as a whole. Organized crime groups maintain their position through the use of violence or threats of violence, corruption of public officials, and extortion. The objective of the FBI and Department of Justice Organized Crime/Drug National Strategies is to eliminate and significant organized crime groups as a threat to American society. At the core of the FBI's OCG Program is the recognition that the greatest impact on organized crime/drug problems is achieved by concentrating investigations on the major international and domestic criminal organizations and regional groups which control significant segments of the illegal activities in the United States.

Personnel resources assigned to the OCG Program are clearly focused in an organizationally-based, intelligence driven approach to fully identifying and ultimately disrupting and dismantling criminal organizations, rather than concentrating investigative efforts on specific violations or individuals. Additionally, OCG investigations focus on money laundering and financial flow activities leading to seizure and forfeiture of assets and profits derived from illegal activities.

The OCG Program addresses the major international and domestic criminal organizations and regional groups which control significant segments of the illegal activities in the United States: La Cosa Nostra; Central/South American, Mexican, and Caribbean organizations; Asian, European, and Eurasian (including Russian Organized Crime) groups; African organizations; and other well-organized criminal organizations that are multijurisdictional in operational scope, and of national significance and influence. Employing the FBI's Enterprise theory of investigation, OCG Program Strategic Investigative Plans have realized many successes against Organized Crime groups, including the LCN. However, in spite of these successes, many groups continue to maintain control over criminal activities in the United States and abroad. For example, while 20 percent of the known current LCN members stand convicted of criminal charges and are incarcerated, the remaining membership and the thousands of associates are continuing their organized crime activity and influence. In addition, the emergence in recent years of the other organized crime groups has strained the FBI's base OCG Program resources and has presented the possibility that these groups, if not thoroughly addressed, will gain a stronger foothold in the United States and become even more costly to dismantle.

To provide an idea of the extent of the Russian/Eurasian organized crime threat, the Russian Ministry of the Interior estimates that there are more than 5,600 Russian organized crime groups, of varying sizes and structures, operating in Russia. These groups consist of approximately 100,000 active participants which have almost 30,000 leaders. Approximately 300 of these groups operate internationally with an estimated 24 groups either conducting activities in

the United States or asserting a criminal influence. Although one cannot easily equate La Cosa Nostra with these Russian organized crime groups, it is important to note that the Russian organized crime groups are roughly ten times larger than the current population of La Cosa Nostra members and associates operating in America today.

Russian organized crime groups control all racketeering activities in the Baltic States through the infiltration and corruption of all levels of government. These groups are not only connected to other Russian organized crime groups in Western Europe, but to groups active in the United States. A significant trade of precious metals, untaxed cigarettes and narcotics are known to be prolific in this region. To combat the threat posed by these groups, Poland has requested both basic and specialized training assistance from the FBI. It is important to recognize that much of the systems of laws which forms the basis of the criminal justice system in the United States does not exist in the legal systems of these former communist states. Therefore, if the FBI is to obtain evidence or information which would be admissible in the U.S. court system, it is crucial that assistance and training be provided to the new republics to aid with the creation of a legal system which could provide information admissible in western courts of law.

During 1994, the Office of Liaison and International Affairs was incorporated into the OCS Program and renamed the International Relations Branch (IRB). The IRB is responsible for foreign liaison; liaison with Interpol; liaison with over 70 Washington, D.C. based foreign police and security/intelligence officials; foreign police cooperation matters; the coordination and assessment of international training; and the oversight of the Legal Attache Program. At present, IRB supervises the foreign liaison activity of 23 Legal Attache offices. Additionally, the IRB hosts over 2,000 visiting foreign officials each year and coordinates foreign police requests for FBI investigative assistance.

Extraterritorial operations conducted by the FBI in connection with criminal matters are limited to investigations and inquiries concerning alleged criminal activity that have an impact or potential impact on the United States or on a person protected by United States law. At present, the FBI's international effort includes the Legal Attache program which establishes and maintains liaison with the principal law enforcement, intelligence and security services in designated foreign countries.

In the past, this program has enabled the FBI to meet its international responsibilities in organized crime, drugs, and other general criminal matters. The reason for this past success is due in part to the fact that the majority of the FBI's liaison contacts are with stable governments which have established law enforcement infrastructures. However, as FBI investigations begin to focus more frequently on international criminal enterprises originating in the former Soviet Union and surrounding Eastern European countries, the exchange of information or cooperation with Eastern law enforcement agencies becomes more of a challenge because their understanding of basic investigative principals common to western law enforcement are unfamiliar or simply do not exist.

ACCOMPLISHMENTS AND WORKLOAD:

The following are case examples of the types of investigations and initiatives being conducted within the OCB Program:

In 1994, as a result of FBI investigations, Federal criminal indictments were returned against two Bosses, one Underboss, three Consiglieres, nine Capos and 17 Soldier members of nine LCN Families across the United States. All are presently incarcerated and awaiting trials on various serious racketeering charges.

The FBI's "Project Onig" investigation resulted in the September 1994 arrests of 29 individuals in New York City and 50 individuals in Italy. Many of the individuals charged in Italy are high ranking members of the three major IOC families, the Sicilian Mafia, 'Ndrangheta, and Camorra, including the boss of the Macri Family, an IOC family involved in international drug trafficking investigations by the FBI in New York, Philadelphia, Miami, and Tampa. Members of the Caruana/Cuntrera Sicilian Mafia family were also charged.

In September 1994, a series of interrelated Asian organized crime investigations jointly conducted by the FBI, DEA, and New York City Police Department resulted in Federal indictments and arrests in New York. In one indictment, 23 members of two notorious Chinese street gangs, the Ghost Shadows and the White Tigers, were charged with violation of the RICO statute and other crimes. The indictment alleges that the Ghost Shadows used violence to protect and further their criminal enterprise, to include the murder of a rival gang member. Among those indicted were the leader of a prominent Chinese Tong association and the street boss of the Ghost Shadows. In another indictment, a New York City Police detective was charged with regularly tipping-off Ghost Shadows and White Tigers gang members about law enforcement activity, helping both gangs to thwart a variety of federal and state investigations. In return, the gangs paid the detective money and forgave gambling debts incurred in illegal Chinatown gambling casinos. Additionally, Paul Mah, a prominent Chinatown figure and associate of Ghost Shadows gang members, was arrested and charged with possessing for distribution two kilograms of Southeast Asian heroin.

In November 1994, 31 members of a Chinese criminal enterprise based in Honolulu were charged in a 56 count federal indictment following a nationwide FBI investigation. This organization engaged in gambling, bookmaking, and money laundering operations in Asian communities in Honolulu, Cleveland, New York, and San Francisco.

The "Juan Garcia Abrego" investigation is active in several FBI offices including Houston, San Antonio and Charlotte. Juan Garcia Abrego, a fugitive, heads a large scale international Mexican Drug Trafficking Organization, headquartered in Matamoros, Tamaulipas, Mexico. The Juan Garcia Abrego Organization (JGAO) obtains and transports multi-ton quantities of cocaine from Cali, Colombia, into the United States and then ships bulk loads of United States currency, received from the sale of cocaine, to Matamoros, Mexico. The JGAO investigation, which has been active for over five years, has resulted in the indictment of over 100 JGAO organizational members, the seizure of multi-million dollars in

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drug proceeds and the seizure of multi-tons of cocaine. Most recently, in April 1994, 30 subjects were indicted in Charlotte, North Carolina; during August 1994, seven subjects were convicted in the Southern District of Texas; and during November 1994, four subjects were indicted in the Southern District of Texas. Also during 1994, the FBI provided evidence to Mexico under the Mutual Legal Assistance Treaty, to be used in the trial of at least two JDAO members. The cumulative investigative effort has resulted in the issuance of a reward of up to \$2 million dollars for information leading to the arrest of Juan Garcia Abrego.

The "GOLDEN TRASH" investigation is an international drug/money laundering investigation lead by the FBI's San Juan Field Office with extensive investigation also conducted by FBI offices in Miami, Tampa and New York. The investigation was directed at the infiltration and prosecution of a major Colombian organization responsible for smuggling cocaine and heroin and laundering money derived from the sale of these drugs. The organization was controlled by David Mier in Miami and the Borrelli-Mier family based in Barranquilla, Colombia. During August 1994, 52 subjects, including David Mier, were indicted by the District of San Juan. The first phase of the investigation's take-down occurred resulting in the arrest of 34 subjects. During November 1994, the District of San Juan indicted an additional 33 subjects. To date, about \$10 million dollars in cash and assets have been seized (including 83 vehicles, seven boats and 13 houses), 85 subjects have been indicted, 65 subjects have been arrested and over 500 kilograms of cocaine have been seized.

In September 1994, a series of interrelated investigations jointly conducted by the FBI, DEA, and New York City Police Department resulted in Federal indictments and arrests in New York. In one indictment, 23 members of two notorious Chinese street gangs, the Ghost Shadows and the White Tigers, were charged with violation of the RICO statute and other crimes. The indictment alleges that the Ghost Shadows used violence to protect and further their criminal enterprises, to include the murder of a rival gang member. Among those indicted were the leader of a prominent Chinese Tong association and the street boss of the Ghost Shadows. In another indictment, a New York City Police Detective was charged with regularly tipping-off Ghost Shadow and White Tiger Gang members about law enforcement activity, helping both gangs to thwart a variety of Federal and state investigations. In return, the gangs paid the detective money and forgave gambling debts incurred in illegal Chinatown gambling casinos. Additionally, Paul Mah, a prominent Chinatown figure and associate of Ghost Shadow gang members, was arrested and charged with possessing for distribution two kilograms of Southeast Asian heroin.

In July 1994, a working agreement between the Russian MVD and the FBI was signed, which formalizes the intent of both agencies to work cooperatively against organized crime groups.

In November 1994, an international organized crime seminar was held at the FBI Academy, with representatives from the Russian MVD, the German Bundeskriminalamt (BKA), and Royal Canadian Mounted Police (RCMP) participating.

The workload and statistical accomplishments of the OCE Program are presented in the following table. Included for the first time are performance measures for one of the FBI pilot performance measure programs.

	1993	1994	1995	Estimates	1996
WORKLOAD:					
Investigative Matters					
Pending Beginning of Year:.....	10,239	9,481	8,870		8,102
Received During the Year:.....	19,780	13,948	17,735		18,480
Closed During Year:.....	20,538	14,559	18,503		19,280
Pending End of Year:.....	9,481	8,870	8,102		7,302
Title III:					
Number of Lines:.....	450	464	589		614
Initiated:.....	245	242	304		316
Extended:.....	266	197	250		261
ACCOMPLISHMENTS:					
Informations/Indictments:.....	2,117	1,827	2,322		2,419
Convictions:.....	1,490	1,218	1,536		1,600
Recoveries/Restitutions (\$000):... \$104,114		\$446,227	\$567,627		\$591,463
Foreign Visitors to FBIHQ	1,350	2,200	2,400		2,600
Interpol/Foreign Police					
Cooperation Matters Received	3,698	4,926	5,100		5,300
Cooperation Matters Addressed	3,498	4,726	4,900		5,100
International Training Sessions Planned					
In-Country Sessions	...	...	48		66
Number of Students Attending	...	...	2,160		2,970
FBI Academy (Quantic) *	...	...	
International Training	...	...	7		7
Number of Students	...	...	700		700
Instructor Development	...	...	4		4
Number of Students	...	...	100		100
International Academy (Budapest)	...	...	3		6
Number of Students (Budapest)	...	...	150		300

- At the Quantico facility, instructor seminars are provided to prepare FBI Agents for on-site training.

The investigative activity within the FBI's OCE Program is unique when compared to most other investigative programs. The OCE Program incorporates the use of the enterprise approach to investigation in accord with the FBI's OCE National Strategy. This approach requires offices to investigate each criminal enterprise with the ultimate goal of developing the prosecution of the organization as a single entity under the RICO statute. The number of accomplishments, relative speed of achieving the accomplishments, or number of investigations conducted or initiated based on number of resources allocated, should not be applied to OCE investigative activity and resource allocation. The nature of the National Strategy dictates that the OCE conduct long-term, complex and resource intensive investigations using the Enterprise Theory. This highly successful method translates into more intelligence driven investigations which would often reflect fewer investigative matters due to the labor intensive nature and longer duration of each case. In fulfillment of the National Strategy, these OCE investigations require the assignment of substantial numbers of Agent and support personnel, as well as technical resources, to support the use of sophisticated and personnel intensive investigative techniques, such as electronic surveillance and undercover operations. It should be noted that approximately 60 percent of the cases received during the year are investigations targeting enterprises. The remaining 40 percent include OCE violations that are a direct result of, or in direct relation to, those enterprise investigations such as criminal informants and cooperating witnesses providing intelligence to develop and organize investigative activities.

Annual Performance Goals:

Identify and penetrate the hierarchy of the La Cosa Nostra (LCN), Italian, Asian, Russian/Eurasian, Colombian, Mexican, and other organized criminal enterprises.

Disrupt and dismantle significant domestic and international organized criminal enterprises.

Develop and maintain a national and international intelligence base on the organizational structure and operations of criminal enterprises.

Provide training, logistical and technical support to domestic and international law enforcement agencies investigating organized criminal enterprises affecting the United States.

Performance Indicators:

Number of Russian OCEs in the United States known to the FBI.

	1993	1994	1995	1996
...		24	34	44

	1993	1994	1995	1996
Percentage of all indictments and informations brought against OC/drug subjects that include RICO, CCE, or money laundering counts.	5.1	6.3	6.6	6.9
Number of civil forfeiture judgments and criminal forfeiture orders related to OC/drug organizations and subjects.	2,085	1,509	1,584	1,663
Number of international training seminars conducted.	4	2	10	13

Factors Affecting Program Performance:

Prosecutors' view of forfeiture as a fully legitimate and worthwhile law enforcement tool. Cyclical nature of recording certain forfeiture accomplishments. Sophistication of criminals in hiding assets. The change in monetary thresholds on property subject to forfeiture. Court decisions and public perceptions affecting forfeiture.

PROGRAM CHANGES:

	<u>1996 Base</u>		<u>1996 Estimate</u>		<u>Increase/Decrease</u>	
	Perm.	NY.	Perm.	NY.	Perm.	NY.
Organized Criminal Enterprises.....	3,774	3,783	3,774	3,783	...	...
		\$343,612		\$346,032		\$2,420

International criminality is a major issue facing law enforcement in the 1990s. In President Clinton's address before the forty-ninth Session of the United Nations, he stated, "The United States and Russia also recognize that we must cooperate to control the emerging danger of terrorists who traffic in nuclear materials. To secure nuclear materials at their sources, we have agreed with Russia to stop plutonium production by the year 2000; to construct a storage facility for fissile materials and buying up stocks of weapons-grade fuel; and to combat the criminals who are trying to smuggle materials for nuclear explosives. Our two nations and Germany have increased cooperation and engaged in joint terrorist training. Soon, under the leadership of our Federal Bureau of Investigation, we will open a law enforcement training

academy in Europe, where police will learn how to combat more effectively trafficking of nuclear weapons components as well as the drug trade, organized crime and money laundering."

To implement this Presidential mandate, the FBI requests \$2,000,000 in nonpersonnel funding for international training. The FBI's goal for international training is to provide mutual assistance relative to criminal activities through education, personnel exchanges, investigative cooperation, and technical assistance. The ultimate aim of this training is to equip the managers of these international law enforcement agencies with the skills necessary to thwart criminal activity in their own countries to prevent escalation in the United States and Western Europe. International training would also benefit the United States law enforcement community by enabling it to learn of the capabilities and limitations imposed upon these nations where an established democratic legal system.

The FBI's training mission in Russia, Newly Independent States (NIS) and Central and Eastern European countries would provide training opportunities not available from other sources. To achieve this end, the FBI proposes to establish an International Academy program, similar to the domestic National Academy program in the United States.

Funding totalling \$2,000,000 is required for upgrades at the Hungarian National Police (HNP) training facility, located in Budapest, Hungary. This property has been offered to the FBI by the HNP to conduct training. The requested funding is needed to upgrade existing buildings to include expanded physical fitness training facilities for recruit testing and training, and to install simultaneous translation equipment. Since Hungary is strategically located in Central Europe, the FBI believes Budapest is not only the best location for this endeavor, but is also the most cost effective.

The FBI International Academy would create an opportunity for interaction which would develop close working ties and international cooperation. The focus for this program would not be on technical skills, but on leadership, personnel, financial management, ethics, the rule of law, management of the investigative process, and other contemporary law enforcement issues. The curriculum would consist of a four-week personal and professional development program. The FBI anticipates training 300 students annually.

During 1992, Legat Hong Kong initiated contact with the Ministry of Justice (MPJ), Peoples Republic of China (PRC), in an effort to secure the FBI's interest in criminal investigations in the PRC. Many high profile Asian organized crime cases involving a full range of Asian organized crime activity including illegal smuggling are based in the PRC. Several FBI organized crime fugitives believed to be in the PRC are being sought by the MPJ at the request of Legat Hong Kong. Since Legat Hong Kong has one of the largest workloads, it is becoming increasingly difficult for this office to afford the investigative attention necessary to cover the PRC.

The liaison relationship with the PRC has progressed to the point where the MPJ is now providing information to the United States Government which can be used in United States Courts. Not only has the MPJ expressed an interest in the

opening of an FBI and office in Beijing, but the United States Embassy has verbally expressed its support to this initiative. To effectively support domestic field investigations in the Asian organized crime arena, it is essential that the FBI and DEA establish a joint Legal Attache office in Beijing, PRC. The FBI is requesting a total of \$420,000 in nonpersonnel costs associated with the opening of an office in Beijing. The Drug Enforcement Administration (DEA) is also requesting resources for its costs of the joint Beijing office. The fact that both the FBI and DEA are coordinating their expansion efforts overseas is in line with the Office of Investigative Agency Policies Resolution 6. Resolution 6 provides a single voice for America's drug law enforcement efforts to the many host countries worldwide.

1995 Appropriation

	Anticipated			1996 Base			1996 Estimate			Increase/Decrease		
	Perm	NYL	Amount	Perm	NYL	Amount	Perm	NYL	Amount	Perm	NYL	Amount
White-Collar Crime (WCC)	4,558	4,444	\$401,852	4,558	4,462	\$419,513	4,558	4,462	\$419,513	...	...	...

LONG-RANGE GOAL: To reduce losses in Government programs and private sector businesses from corruption, fraud, embezzlements; and to provide investigative assistance to the Department of Justice (DOJ) in antitrust matters.

MAJOR OBJECTIVES: To identify, investigate, and obtain prosecution of individuals involved in the most significant frauds perpetrated against our Nation's financial institutions; major fraud against the Government, cases such as those involving health care provider fraud; Federal program fraud, bribery, and embezzlement violations; Federal violations committed by major companies involved in the illegal disposal of hazardous waste; fraud against the Government, cases such as those involving management officials and officers of firms doing business with or for the Federal Government; major domestic and international frauds such as telemarketing, computer fraud and abuse, money laundering, and insurance fraud; Federal violations involving systemic corruption by Federal, State and local public officials, as well as private citizens acting in complicity with corrupt public officials; and Federal violations involving significant economic crimes within the FBI's jurisdiction.

To continue to assist Federal, State, local and foreign law enforcement and regulatory agencies in making a coordinated and effective attack on WCC.

BASE PROGRAM DESCRIPTION: The FBI has implemented a revised budgetary structure that changed the number of program elements and decision units. The Applicant program elements, with 352 positions, were transferred from the White-Collar Crime/Applicant decision unit to the new Training, Recruitment, and Applicant decision unit. The FBI's White-Collar Crime program (WCCP) activities are divided into five areas: (1) Economic Crimes; (2) Financial Institution Fraud; (3) Government Fraud (Health Care Fraud, Environmental Crimes); (4) Public Corruption; and (5) other matters.

National health care costs continue to climb at a staggering rate. The U.S. Chamber of Commerce has projected that annual health care spending would grow from approximately \$800 billion in 1992 to \$1.6 trillion by the turn of the century. At that rate, by the year 2000, health care would consume up to 16.4 percent of the Gross National Product. Currently, the American public spends \$100 million every hour for health care. It is estimated that fraud accounts for a loss of health care funds that total over \$80 billion annually or 10 percent of total health care spending.

Proactive investigations continue to result in an increase in the health care intelligence base and in cooperating witnesses. As the intelligence base grows, there would continue to be a natural progression of significant fraud investigations, which would require further resource commitments. Since February 1992, the FBI's caseload in health care fraud matters has grown from 378 pending cases to 1,500 at the end of 1994, requiring the FBI to increase the number of agent resources investigating Health Care fraud by reallocating resources from Financial Institute Fraud. The FBI has increased agents resources investigating Health care fraud from 125 to 247 in 1994.

There is an increasing appreciation within the law enforcement community that environmental crimes threaten the public health and safety and impact the ultimate economic strength and security of the United States as deeply as crimes of violence. The costs of cleaning up the results of environmental crimes and poor management reaches into the hundreds of billions of dollars, but the potential long-range harm of not doing so is staggering in more human terms for ourselves and future generations. Due to the increased demands on FBI investigative resources, it has become necessary to focus resources on high threat categories of environmental crime, namely, those which reflect knowing endangerment of subject company employees or the public, catastrophic events, patterned flagrant violators, violations at Federal Government facilities, and organized crime activity involving environmental crimes. In addition, FBI participation and sponsorship of multi-agency environmental working groups has increased. The FBI's environmental crime area is expected to continue as increased from 140 in 1987 to 475 by the end of 1994. Growth in the environmental crime area is expected to continue as authorized disposal sites become full and the costs of legitimate disposal rise, resulting in financial incentives for companies and individuals to improperly dispose of their hazardous waste.

Financial Institution Fraud (FIF) is one of the highest priorities of the MCC crime investigations conducted by the FBI. The growth and national implications of this problem have resulted in it being designated a top priority of the DOJ and consequently, deserving of the attention of the FBI. Areas of primary interest relating to FIF investigations are bank failures, check fraud, and loan fraud. Although the number of bank failures have declined in recent years, these matters are labor-intensive and occupy a good deal of investigative resources. As of the end of 1994, the FBI had 531 failure investigations pending, amounting to 5.7 percent of all FIF cases.

Telemarketing fraud is a serious and costly crime problem. Individuals knowledgeable of the telemarketing industry estimate that fraudulent telemarketing practices cost the American consumer approximately \$40 billion per year. The consequences of these frauds to individual victims, as well as small business owners, can be devastating. Some victims

of telemarketing fraud have lost everything, including their personal pride and dignity, pursuing the telemarketer's tantalizing "too good to be true" offer.

Telemarketing fraud can be one of the more difficult white-collar crimes to investigate. The typical owners/operators of a fraudulent telemarketing firm use multiple aliases, telephones, mail drops, and at times, different business locations. They can change their method of solicitation, product line, and other recognizable traits overnight. Their operations are mobile and their schemes are complex. To complicate matters further, as a result of embarrassment and complacency on the part of many victims, telemarketing fraud is a highly under-reported crime problem. In recognition of these facts, the FBI uses undercover operations and electronic surveillance to attack this problem. Through OPERATION DISCONNECT, it was revealed that telemarketers typically target a particular class of victims, such as the elderly or small business owners or entrepreneurs interested in starting small business ventures. The elderly population is viewed, by unscrupulous telemarketers, to be the most vulnerable mark due to their accessibility during the daytime hours, their possession of liquid assets, and their general willingness to remain on the telephone when contracted by telemarketers. Telemarketers also tailor their sales pitch to small business owners or entrepreneurs with scams such as advance fees for small business loans and start-up business opportunities.

ACCOMPLISHMENTS AND WORKLOAD: The statistical accomplishments and estimates of the MCCP are presented in the following table (dollars in thousands). The data for 1993 and 1994 reflect actual statistics. The 1995 and 1996 columns of the workload were derived by using a statistical average of prior years.

WORKLOAD:	1993	1994	Estimates	
			1995	1996
Investigative Matters:				
Beginning.....	26,704	27,448	26,160	27,102
Received.....	61,702	55,822	58,319	58,614
Resolved.....	60,994	57,110	57,377	58,494
Remaining.....	27,448	26,160	27,102	27,222
Accomplishments:				
Convictions.....	5,856	5,411	5,433	5,445
Pretrial Diversions....	521	525	527	537
Indictments/Informations	7,552	6,472	6,498	6,621
Fines (\$000).....	\$1,102,612	\$110,972	\$100,000	\$100,000
Recoveries &				
Restitutions (\$000)...	\$2,377,310	\$3,467,332	\$2,500,000	\$2,500,000

WORKLOAD: Accomplishments:	Estimates		
	1993	1994	1995
Potential Economic Loss Prevented (\$000).....	\$809,115	\$10,559,798	\$800,000
			\$800,000

The investigative activity within the WCC investigative programs is labor and personnel intensive. A more proactive approach in WCC investigations has enabled investigations to focus on higher impact cases. This highly successful method translates into more intelligence driven investigations that would reflect a greater number of personnel working on fewer numbers of investigative matters due to the increased scope and complexity of the cases.

The following are examples of WCC investigations:

In July 1994, National Medical Enterprises (NME) entered guilty pleas in the U.S. District Court for the District of Columbia for kickbacks and conspiracy to defraud. At the same time the court filed the civil settlement that was reached between the Government and NME. Fines, penalties, restitution, and other forms of payment by the company amounted to \$374 million dollars. NME officials defrauded Federal Government health care programs and private insurance companies by over-billing and submitting false billings. Additionally, kickbacks were made to doctors and others for the referral of patients to NME facilities.

In June 1992, the bodies of two nine-year old boys were found in a garbage dumpster on the property to Durex Industries, Tampa, Florida. The boys had been overcome by fumes and died as a result of toluene poisoning. In July 1994, the company pled guilty to a two count indictment, including knowing endangerment, and in January 1995 received a fine of \$1.5 million. A subsequent trial found the Manager and Assistant Manager of Durex Industries guilty of criminal violations of the Resource Conservation and Recovery Act (RCRA), including illegal dumping of a hazardous waste. Both individuals received sentences of 27 months in jail and two-years' probation.

In January 1993, the Miami Field Office initiated a joint proactive operation with the United States Coast Guard (USCG), the Environmental Protection Agency-Criminal Investigative Division (EPA-CID) and the Office of the United States Attorney (OUSA), Southern District of Florida, which sought to apprehend large commercial vessels within the 12-mile limit off the southeast coast of Florida who were illegally discharging oil and other hazardous substances in the water. During this operation, the Viking Princess was caught in the act of pumping its bilges in violation of the Clean Water Act (CWA) and the Oil Pollution Act (OPA). The case was successfully investigated and prosecuted, resulting in a \$500,000 fine, five-years' probation, and a mandated plan for environmental protection aboard the Viking Princess which is subject to review and verification by the authorities.

In June 1992, the San Diego Financial Institution Fraud Task Force (SDFITF), consisting of the FBI, DOJ, Internal Revenue Service (IRS) and the United States Secret Service (USSS), began operations. As of September 1994, the SDFITF investigation resulted in 144 individuals being charged and 133 convicted of various violations including bank bribery, loan fraud, fraud by wire, mail fraud, conspiracy, bank fraud and embezzlement. Restitution in excess of \$21 million has been ordered thus far with seizures and forfeitures totalling more than \$140 million.

Centrust Savings Bank, one of Florida's biggest thrifts, failed in 1990 at an estimated cost to taxpayers of \$1.6 billion. In February 1994, the acting Chairman and Chief Executive Officer (CEO), pled guilty to an additional 29 counts relating to security transactions. Eight of these 29 counts dealt with a securities parking transaction between Centrust and the Bank of Credit and Commerce International. In December 1994, the acting Chairman and CEO was sentenced to 11 years incarceration and ordered to pay \$60,000,000 in restitutions and \$5,000,000 in fines.

The Dallas Bank Fraud Task Force (DBFTF), a combination of the FBI, DOJ, the IRS and the USSS, was created to address the problem of fraud in financial institutions in the Dallas, Texas area. As of the end of September 1994, the DBFTF investigations had resulted in 276 individuals charged and 236 convicted with such violations as bank bribery, loan fraud, fraud by wire, mail fraud, conspiracy, bank fraud and embezzlement. Restitution in excess of \$127 million was ordered by courts with seizures exceeding \$6 million.

The New England Financial Institution Fraud Task Force (NEFITF), also a joint effort from the FBI, DOJ, IRS and USSS, was initiated February 1991, to investigate bank fraud and failures in the New England area. Specific States covered by the NEFITF include Massachusetts, Vermont, Connecticut, Maine, Rhode Island, and New Hampshire. As of September 1994, 90 subjects had been charged, with 50 thus far convicted of such violations as bank bribery, loan fraud, fraud by wire, mail fraud, conspiracy, bank fraud and embezzlement.

OPERATION DISCONNECT was initiated in early 1993, as an effort on the part of the FBI to use undercover FBI Agents to penetrate the network of illegal telemarketers operating in the United States. As of early 1994, over 300 individuals have been charged with participating in telemarketing fraud schemes, of whom more than 220 have been convicted thus far. This initiative has resulted in a positive impact upon the telemarketing fraud crime problem.

Federal Bureau of Investigation

Salaries and Expenses

Justification of Program and Performance

**Activity Resource Summary
(Dollars in thousands)**

Activity:	1995 Appropriation				1996 Base				1996 Estimate				Increase/Decrease	
	Anticipated				Perm.				Perm.				Perm.	
	Pos.	NYL	Amount		Pos.	NYL	Amount		Pos.	NYL	Amount		Pos.	NYL
Law Enforcement Support	851	825	\$87,903		851	826	\$89,999		851	826	\$89,999		...	...
Training, Rec., Applicant	603	591	55,533		603	591	56,852		603	591	57,452		...	...
Forensic Services.....													...	...
Information Management, Automation, & Telecomm...	945	912	161,136		945	912	162,125		945	912	164,625		...	...
Technical Field Support and Services.....	155	152	97,803		155	152	95,768		155	152	95,768		...	...
Criminal Justice Services	1,772	1,803	181,492		1,772	1,803	187,700		1,772	1,803	187,700		...	...
Total	4,346	4,083	\$583,867		4,346	4,284	\$592,444		4,346	4,284	\$595,544		...	\$3,100

Law enforcement support for FBI program is provided through training, forensic laboratory examinations and research, efficient management of investigative and administrative records, automated data processing and telecommunications management and maintenance, technical field support and equipment supply, identification and informational services.

Activity:	1995 Appropriation				1996 Base				1996 Estimate				Increase/Decrease	
	Anticipated				Perm.				Perm.				Perm.	
	Pos.	NYL	Amount		Pos.	NYL	Amount		Pos.	NYL	Amount		Pos.	NYL
Training, Recruitment, and Applicant.....	851	825	\$87,903		851	826	\$89,999		851	826	\$89,999		...	...

LONG-RANGE GOAL: To develop and improve the investigative, managerial, and technical capabilities of FBI agent and support personnel, and state, local and international law enforcement personnel through training, education, and research to ensure that they are prepared to carry out their responsibilities in an efficient and effective manner and

in compliance with federal statutes and Government regulations; to recruit the most qualified individuals for employment; and to conduct thorough, impartial, and timely background investigations of candidates for employment by the FBI and other agencies.

MAJOR OBJECTIVES:

To provide initial and advanced professional training and investigative support for FBI Agent and support personnel, and provide training and retraining sessions to Federal, State, local, and international law enforcement officers through the FBI National Academy (NA) and International programs, enabling them to carry out their increasingly complex responsibilities in an efficient, professional, and effective manner.

To improve the management capabilities of mid- and upper-level FBI executives and to provide job enrichment and career development opportunities for support personnel through educational and training programs.

To conduct necessary research and provide evaluative, investigative, and operational assistance to FBI field offices and Headquarters in areas where FBI Academy personnel have specialized expertise.

To provide firearms and related equipment to ensure that FBI Agents are better prepared than today's criminals, while ensuring the safety of these Agents and the public when conducting investigations.

To maintain the land, buildings, equipment, furnishings, and fixtures of the FBI Academy complex in a manner consistent with and conducive to an effective, efficient, safe, and healthy learning and living environment.

To identify, recruit, process, investigate, and appoint the most qualified individuals to meet FBI staffing needs.

To conduct thorough and timely background investigations of candidates nominated for appointment to positions within the White House, the Department of Justice, certain Congressional committees, and other federal agencies.

To implement nationwide the Background Investigations Contract Services (BICS) program and to conduct efficient, cost effective background investigations for the FBI and other clients.

BASE PROGRAM DESCRIPTION: The Training, Recruitment, and Applicant program was established through the consolidation of the former Training program and the Applicant program element of the former White-Collar Crime and Applicant program. This realignment brings together resources associated with the common and interrelated functions of recruiting, selecting, hiring, and training of new FBI employees, both agent and support, as well as the continuing education and development of all employees, into a single budgetary program.

Training.

The FBI is committed to providing high quality training to its personnel and the law enforcement community at large. The Training program of the FBI is conducted at the FBI Academy located in Quantico, Virginia, field offices and off-site locations, and at local, state, and regional facilities throughout the Nation. At the FBI Academy, training is provided for FBI New Agent Training, the FBI National Academy, Drug Enforcement Administration (DEA) New Agent Training, in-services/comprehensive Bureau management training, and specialized schools, conferences, and symposia.

The FBI New Agent Training program provides 16 weeks of intense instruction to ensure that they possess the basic knowledge and skills required to serve the American public as Special Agents. Among the components of the New Agent Training curriculum are: behavioral science, communications/interviewing, ethics, legal instruction, informant development, physical fitness/defensive tactics, evidence, firearms, EEO/sensitivity training, field office administrative operations and procedures, and practical problems. New Agent Trainees are also provided instruction for each of the FBI's investigative programs: organized crime, drugs, violent crimes, white-collar crimes, counterintelligence, terrorism, civil rights, and applicant. The FBI expects to train 640 new agents in FY 1995 and 600 in FY 1996.

There is also a continuing need to provide training and development courses for FBI personnel assigned to field offices and FBI Headquarters. This type of training is necessary to maintain the professional skills of FBI personnel in their present assignments, to equip personnel to handle new investigative and administrative requirements, and to develop the leadership and management skills of potential supervisors, managers, and executives.

The FBI also provides courses of instruction for state and local criminal justice practitioners, both at the FBI Academy and throughout the United States at state, regional, and local training facilities. The principal course for state and local law enforcement officers is the FBI National Academy program, an 11-week multidisciplinary program for officers who are considered, by their nominating agency heads, to have potential for further advancement in their careers. During FY 1994, 1,040 state and local law enforcement officers attended the FBI National Academy. Three other training opportunities for state and local law enforcement personnel at the FBI Academy are: the National Executive Institute, a 15-day program for chief executives of the Nation's largest law enforcement organizations; the Law Enforcement Executive Development Seminar, designed and focused upon police chiefs from midsize agencies; and, the National Law Institute, a 1-week specialized training program for state and local police legal advisors and prosecutors.

In addition to those courses and seminars offered at the FBI Academy, the FBI conducts and participates in seminars and courses conducted at state, regional, and local training facilities. These training sessions cover the full range of law enforcement training topics, such as hostage negotiation, computer-related crimes, death investigations, violent crimes, criminal psychology, forensic science, and arson. During FY 1994, 20,728 state and local law enforcement

officers and 129,238 criminal justice personnel received training at state, regional, and local training facilities from FBI instructors.

Recruitment and Applicant.

After a two-year hiring freeze, the FBI resumed recruiting and hiring of both agent and support employees in late FY 1994. To conform with the staffing levels provided by the Justice Appropriations Act of FY 1995, the FBI is undertaking an aggressive hiring effort to bring on board and train 640 new Special Agents. Additionally, hiring of support staff for field offices and professional staff to replace agents being transferred from the Office of General Counsel and FBI Laboratory is underway. For FY 1995, the FBI is projecting to hire 1,445 new support employees, including summer and honors intern program participants.

During FY 1995, the FBI applied \$6,812,000 in funding made available by the Congress to begin nationwide implementation of the BICS program. Full implementation of the BICS program is expected to take between 18 and 24 months. Under BICS, the FBI will use contract investigators to conduct background investigations of persons being considered for all but the most sensitive Government positions. During the BICS implementation and transition period, both contract investigators and FBI Agents will continue to perform applicant work; however, as non-FBI investigators are recruited, processed, and selected for BICS, the workload will gradually shift toward the contract personnel. The FBI will continue to provide overall management and assignment of background investigations. Additionally, FBI personnel specialists will review the results of contact background investigations for completeness and to determine if further inquiries are required based upon the results provided.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and performance measures for the Training, Recruitment, and Applicant program are presented in the following table. Data is based on an estimated allocation of 30,000 STDs for Drug Enforcement Administration training at the FBI Academy in 1995 and 1996.

	1993	1994	Estimates	
			1995	1996
Workload				
Training Program				
1. New FBI Special Agents				
Trained:	...	64	640	600
a. Actual	...	64	640	600
b. Eligible	...	100%	100%	100%
c. Percent Eligible Met	...			

The FBI resumed New Agent Training classes in July, 1994. No New Agent Training classes were conducted in FY 1993.

		Estimates	
		1993	1994
2.	Persons Trained in NA Program at Academy:		
	a. Actual	1,017	1,040
	b. Eligible	11,000	11,000
	c. Percent Eligible Met	9%	9%
3.	Employees Attending Specialized/Advanced In-Service Training at Academy:		
	a. Actual	14,741	10,002
	b. Eligible	14,000	14,000
	c. Percent Eligible Met	105%	71%
4.	Persons Trained at Academy in Executive Development Program:		
	a. Actual	183	165
	b. Eligible	2,000	2,000
	c. Percent Eligible Met	9%	8%
5.	Persons Trained at Academy in Specialized or Technical Programs:		
	a. Actual	6,378	5,690
	b. Eligible	39,000	39,000
	c. Percent Eligible Met	16%	15%

Due to a hiring freeze during FYs 1993-1994, in-service and specialized training was expanded to insure full use of the FBI Academy training capacity. With the resumption of hiring agents in late FY 1994, the level of in-service and specialized training is reduced in FYs 1995-1996 to reflect the allocation of capacity to New Agent Training.

	Estimates			
	1993	1994	1995	1996
6a. Persons Trained at Local, State, & Regional Facilities by Academy Instructors:				
a. Actual	24,992	20,728	18,000	18,000
b. Eligible	70,000	70,000	70,000	70,000
c. Percent Eligible Met	36%	30%	26%	26%
6b. Schools Conducted at Local, State, & Regional Facilities by Academy Instructors:				
a. Actual	351	278	255	255
b. Eligible	824	824	824	824
c. Percent Eligible Met	43%	34%	31%	31%
7. Criminal Justice Personnel Receiving Trng. at State, Local & Regional Facilities by FBI Instructors:				
a. Actual	141,659	129,238	125,000	120,000
b. Eligible	360,000	360,000	360,000	360,000
c. Percent Eligible Met	39%	36%	35%	33%
Recruitment/Applicant				
8. Number of Hires	5	61	640	600
a. Agent	281	856	1,445	1,700
b. Support				

Workload	1993	Estimates	
		1995	1996
9. Total Applicant Cases Received	3,530		
a. FBI Applicant		9,339	17,532
1. Agent	3,034	2,752	6,880
2. Support	1,293	2,710	6,775
b. Nonreimbursable Client	2,101	2,225	2,225
c. Reimbursable Client	972	1,652	1,652
10. Total Appl. Cases Completed	3,880	8,687	17,132
a. FBI Applicant			
1. Agent	4	2,700	6,680
2. Support	410	2,110	6,575
b. Nonreimbursable Client	2,101	2,225	2,225
c. Reimbursable Client	1,365	1,652	1,652

905

1995 Appropriation
Anticipated

	Perm.	1996 Baseline
	FOIA	NY Amount
Forensic Services.....	603	591 \$55,533

	Perm.	1996 Estimate
	FOIA	NY Amount
	603	591 \$57,452

	Perm.	Increase/Decrease
	FOIA	NY Amount

	...	\$600

LONG RANGE GOALS: To support the federal criminal justice system, by ensuring, through scientific means, that available physical evidence is used to develop as much probative information as possible to reconstruct the crime; to identify the guilty and exonerate the innocent; to provide specialized scientific and technical support to ongoing FBI, Drug Enforcement Administration (DEA), and other Federal investigations; and to provide attendant expert testimony; to support the non-Federal criminal justice community by providing specialized forensic science training, analysis and technical assistance to crime laboratory personnel, and crime scene training to law enforcement personnel; to conduct forensic and latent fingerprint examinations of physical evidence; and to testify in court for agencies that do not have access to crime laboratories or in complex cases which are beyond the capabilities of state and/or local laboratories.

MAJOR OBJECTIVES:

- To perform forensic examinations for federal investigations and for state and local rape, homicide and other major violent crime cases as resources permit, for duly constituted and authorized law enforcement agencies.
- To support White-Collar Crime investigations, such as savings and loan and bank failures, and health care and other insurance fraud, by deploying the Computer Analysis Response Team (CART) to field offices, training field agents and supplying equipment and software to FBI field offices.
- To increase the number of state and local laboratories participating in the FBI's Combined DNA Index System (CODIS), a national DNA database, and to expand current capabilities by continuing research, development, testing and deployment of CODIS.
- To support metropolitan areas and forensic firearms laboratories participating in the DRUGFIRE system, and to continue upgrading the system through technological research, development, testing, and deployment to support FBI, other federal, state and local investigations and task forces.
- To increase the awareness of FBI field agents of the value of collecting and preserving probative forensic evidence in generating investigative leads through establishing Evidence Response Teams (ERT) in FBI field offices.
- To conduct latent fingerprint examinations and comparisons and to deploy the Latent Fingerprint Section Disaster Squad as required in response to major accidents or natural disasters to identify deceased individuals.
- To provide audio/visual enhancements, courtroom exhibits, scale models, charts and investigative aids to support investigations and prosecutions.
- To continue to administer and conduct assurance reviews of the FBI's Polygraph and Contract Linguist Programs in direct support of field investigations.
- To maintain leadership in the forensic science community by hosting and participating in various scientific conferences and symposia; conducting quality forensic science research and training; providing technical assistance to state and local agencies; and sharing expertise with other federal, state and local crime laboratories.

BASE PROGRAM DESCRIPTION:

The FBI Laboratory is one of the largest and most comprehensive laboratories in the world and the only full-service federal forensic laboratory. The FBI Laboratory supports investigations through such activities as crime scene searches; special surveillance photography; latent fingerprint examinations; and other on-scene scientific and/or technical services. The FBI Laboratory not only supports FBI investigations, but it also provides services to the Drug Enforcement Administration, and other federal agencies as well.

Examinations of evidence are performed, free of charge, for all duly constituted law enforcement agencies in the United States, that do not have access to the sophisticated instrumentation and/or expertise necessary to perform forensic examination(s). In addition, state and local crime laboratory and law enforcement personnel receive FBI Laboratory training in courses, some of which are not available anywhere else in the country. Without such training, jurisdictional laboratories would find it difficult to improve and expand their capabilities.

The Laboratory Division is undergoing a transition from Special Agent (SA) Examiners to Professional Support Examiners. The FBI was authorized 92 support workyears to accomplish the transition in the Fiscal Year (FY) 1995 Appropriations Act. To date, the Laboratory Division has hired 51 Professional Support Examiners and 20 SAs have returned to investigative case work. This transitional effort will end in 1998 when the new Professional Support Examiners are fully trained and the number of SA examiners in the Laboratory Division reduced to 50. This extended period will ensure that the FBI Laboratory consistently maintains its high level of service to the law enforcement community.

The FBI DRUGFIRE Program has been designated as a Department of Justice pilot project under the Government Performance and Results Act. The general goals of this pilot project are to increase the solution rate of serial, gang and drug-related shootings through the development and deployment of a new automated system which allows sharing and linking of firearms evidence between federal, state and local forensic laboratories. Specifically, the FBI will attempt to measure its performance using the following goals: (1) to ensure that participating laboratories are using the DRUGFIRE system properly and making meaningful case associations which support serious shooting investigations; (2) to effectively deploy additional network and/or standalone DRUGFIRE systems to state and local crime laboratories desiring to obtain the new DRUGFIRE technology; (3) to provide comprehensive initial group and individual training to all new DRUGFIRE system users and on-going supplemental training to existing system users; and (4) to improve the effectiveness and efficiency of the DRUGFIRE system by ensuring user suggestions and feedback are solicited, analyzed and acted upon through an effective Users Group and Standardization Committee infrastructure, user suggestion solicitation system, and software change control process.

ACCOMPLISHMENTS AND WORKLOAD: The workload of the FBI Laboratory is displayed in the following table.

Item:	Estimates			
	1993	1994	1995	1996
Examination Requests*	15,254	13,379	14,000	14,000
Specimens Submitted*	155,092	113,201	120,000	120,000
Examinations*	1,030,208	671,807	700,000	700,000
Testimonies	734	650	700	750
Testimony Workdays	1,539	1,470	1,500	1,500
Latent Fingerprint Cases Completed*	11,632	10,408	11,000	11,500
Latent Prints Received*	12,648	14,618	16,000	16,100
Latent Fingerprint Comparisons	3,017,774	3,240,387	3,500,000	3,564,500
Latent Crime Scenes Processed	86	58	100	100
Suspects Identified by Latent Fingerprint Examinations*	2,392	1,908	2,500	2,500
Court Appearances (Latents)	192	204	300	300
Translated Pages	19,245	11,865	12,000	12,000
Polygraph Exams	3,552	3,398	3,500	3,500
Polygraph Chart Reviews	14,208	16,000	20,000	16,000
Photo Requests	15,831	14,384	15,000	15,000
Photographs Processed**	1,864,227	1,453,802	1,500,000	1,500,000
FBI In-Service/Students	22/418	33/794	32/458	30/450
ERT Road School Training/Students	45/550	48/600	35/490	35/490
National Academy Students	1,177	1,040	1,040	1,040
Spec. Forensic Classes/Students***	51/1,011	26/623	20/500	20/500
Seminars & Conferences/Attendees	5/961	2/439	2/500	2/500
Road Schools/Foreign Trng Classes	16	20	10	2
Hazardous Devices School/Students	20/384	20/384	24/454	24/454
Bomb Technician Seminars/Students	12/214	12/214	15/260	12/214
Bomb Investigator Schools***	24	...	...	15
Publications/Reports	17	20	25	25

* Workload decreased in 1994 due to discontinuation of state and local property crime casework after July 1, 1994.
 ** Beginning in 1994, in order to reduce turnaround, the Photo Processing Unit will no longer process microfilm for the Criminal Justice Information Services (CJIS) Division.
 *** Includes Advanced Latent Fingerprint Schools.

**** Bomb Investigator Schools discontinued in 1994 due to personnel reductions.

DRUGFIRE

	1991	1994	Estimates	1995	1996
Regional Networked Systems	2	3		4	7
Stand-alone Systems	na	2		3	4
Participating Labs	6	24		29	40
Cases Entered	1,210	4,500		5,800	12,500
Images Entered	1,620	6,500		10,000	25,000
*Cold Hits**	70	210		300	700
*Warm Hits**	10	40		60	100

* Linkages of images (cases) with no prior knowledge of possible linkage.
 ** Linkages of images (cases) based on informant or related information.

Foreign Language Program: Contract Linguist and Testing

	1993	1994	Estimates	1995	1996
Students Trained	145	161		170	170
Tests Administered	2,379	1,100*		2,500**	5,000
Investigations					
Supported by					
Contract Linguists	275	305		305	605
Pages Translated	19,245	24,115		25,000	35,000
Title I/II Supported	32	36		40	80
Interpreting Hours	800	1,000		1,200	2,400

* Decrease due to hiring freeze.

** Increase to normal level due to new hires (Agents with foreign language ability and support personnel requiring testing).

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
	Pos.		Pos.		Pos.	
Forensic Services.....	603	\$56,852	603	\$57,452	...	\$600

DRUGFIRE is a computer database system which allows forensic laboratories within a region or large metropolitan area to exchange and compare images of fired ammunition casings. The microscopic machining marks on cartridge cases or bullets when a gun is fired are scanned, and the image stored in the DRUGFIRE database. After searching the database, these images are then electronically recalled, transmitted, compared, and matched to other evidence, thereby connecting shootings previously thought unrelated, or linking crimes to certain weapons. DRUGFIRE focuses on drug and gang-related shootings.

The FBI has been operating DRUGFIRE in the Baltimore/Washington, DC, area since 1992. To date, over 250 "cold hits" have been recorded. A "cold hit" is a pair of cases linked by DRUGFIRE where police were not otherwise aware that shooting incidents involved the same gun. DRUGFIRE's most recent successes in Florida during its first eight weeks of operation (i.e., since October, 1994) are a good example of the systems effectiveness. DRUGFIRE recorded 22 hits, including 12 in Metro-Dade County, linking pairs of cases not otherwise known by police to be related.

DRUGFIRE stores and matches images of cartridge cases which are left at approximately 70 percent of crime scenes involving gang or drug-related shootings. Bullet evidence is available in the remaining 30 percent of serial shootings. The FBI is evaluating the expansion of DRUGFIRE to include bullet evidence in an effort to be responsive to the total needs of firearms laboratories nationwide.

DRUGFIRE is now installed in 27 crime laboratories, i.e., Atlanta (1), Chicago (3), District of Columbia (2), Florida (8), Maryland (4), Southern California (6), and Virginia (1). Plans are to install DRUGFIRE in at least 18 additional forensic laboratories by the end of 1996 (i.e., New York (9), Ohio (3), Indiana (5), and Richmond, Virginia (1)). Thus, DRUGFIRE installation will increase from 6 forensic laboratories in 1992 to at least 45 by 1996.

To support the DRUGFIRE Program, the FBI requests an increase of \$600,000 in nonpersonnel funding. This funding would be used to acquire contractor services for continued research and development of upgraded matching software, and installation and user support. Without this funding, the FBI will be unable to meet commitments and demands from state and local forensic laboratories who are planning to utilize DRUGFIRE and are awaiting installation of this system.

DRUGFIRE is an example of the kind of technical assistance program with the federal government can provide to state and local law enforcement agencies to foster Federal-State-local partnership in violent crime investigations.

	<u>1995 Appropriation</u>		<u>1996 Base</u>		<u>1996 Estimate</u>		<u>Increase/Decrease</u>	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Information Management, Automation, and Telecommunications.....	945	912 \$161,136	945	912 \$162,125	945	912 \$164,675	...	... \$2,500

LONG-RANGE GOALS: To support the FBI's information collection, storage, retrieval, and dissemination requirements through management of automated data processing and telecommunications (ADPT) resources and implementation of the FBI's Long-Range Automation Strategy (LRAS). To improve information systems and services; anticipate and adopt new capabilities; and facilitate lawful public access to FBI records in response to Freedom of Information/Privacy Acts (FOIPA) requests.

MAJOR OBJECTIVES:

To distribute information to all field offices, legal attaches, and resident agencies in a timely, secure, and cost effective manner using integrated information, applications, and technical architecture in support of priority FBI mission requirements for handling large amounts of seized, subpoenaed and intelligence information for case, program, and intelligence management.

To provide advanced computing techniques (massively parallel architecture which uses specially designed software algorithms for pattern and link analysis of large amounts of investigative data from various cases) and multi-media (voice input and imaging) technology in support of major racketeering, counterterrorism, white collar crime, organized crime, violent crime, and drug investigation and intelligence operations.

To streamline the various phases of processing functions through procedural and technological changes, improve information systems and services, and facilitate lawful public access to FBI records in response to Freedom of Information/Privacy Acts requests.

To facilitate the transition from manual records management practices to modern information technology such as the Freedom of Information and Privacy Act Document Processing System (FDPDS). The FDPDS, a National Performance Review Laboratory, provides automation support to the current manual, labor intensive process of handling FOIPA requests.

BASE PROGRAM DESCRIPTION: The Information Management, Automation and Telecommunications (IMAT) program was established through the consolidation of the former Information Management and Automated Data Processing and Telecommunications programs. This realignment brings together resources associated with common and interrelated functions of information collection, retrieval, processing, dissemination, and policy administration.

The increasing complexity and scope of investigative work demands agents have at their fingertips access to on-line FBI investigative systems, local computing power and automated support for the management of case information. Investigative matters such as Financial Institution Fraud and Health Care Fraud involve a tremendous volume of documents which must be collected, analyzed, sorted, and catalogued and be readily available for subsequent access. Under the auspices of the Office of Investigative Agency Policies, the FBI continues to improve coordination of automation with the Drug Enforcement Administration.

The FBI's FOIPA program has been selected by the Department of Justice as a National Performance Review laboratory. As part of this NPR laboratory, the FBI has developed a FOIPA Document Processing System (FDPG) that is projected to have potential for improving the timeliness for processing of FOIPA requests. The FBI is using an inter-agency agreement with the Department of Energy's Pacific Northwest Laboratory (PNL) to develop the functional requirements for the FDPG and to build a prototype system for evaluation during FY 1995. Within the General Administration appropriation, the President's FY 1996 budget proposes an increase of \$4,500,000 for Department-wide implementation of the FDPG, of which \$2,500,000 would be made available to the FBI for its FOIPA program.

The National Name Check Program, which involves the dissemination of information contained in the FBI's Central Records System, in response to name check requests received for other Federal agencies, Congressional Committees, Federal courts, State and local law enforcement agencies, and select foreign law enforcement and intelligence agencies, has been designated as a Department of Justice pilot project under the Government Performance and Results Act. The goals of this pilot project are: (1) to reduce the average turnaround time of manual name checks to less than five days; (2) to reduce the number of "hands-off" (processing steps) currently required to process name checks; (3) to achieve a 100 percent customer satisfaction rate in meeting customer needs; (4) to increase the number of name check clients using residual file processing, resulting in significant saving to both the clients (lower user fees) and the FBI (reduced processing costs); and (5) to enhance residual file processing through the implementation of on-line split screen processing which eliminates the need for multiple name check responses to be printed and viewed manually.

ACCOMPLISHMENT AND WORKLOAD: The accomplishments and workload of the IMAT following:

	1992	1994	Estimates	1995	1996
Central Processing Unit					
Millions of Instructions Per Second (MIPS) Available	530	572		629	629
Transactions (in millions)	225.5	251.4		280.3	321.5
Transaction figures do not include National Crime Information Center (NCIC) transactions which are included in the Criminal Justice Services Program. Figures include the NERCSC.					
Workstations					
Number Required	20,000	20,000		20,000	20,000
Number Available	15,240	17,088		19,788	19,629

The workstations available figure is based upon the number that would be acquired with available base funding. The delivery and installation of the workstations may occur in a different fiscal year than when the funding is received. The different fiscal year than when the funding is received.

FOIPA

New & Reopened Requests	15,785	11,740	14,124	14,124
Requests Closed	14,496	10,561	13,329	13,329
Backlog/Work On Hand	10,648	11,827	12,622	13,417

In 1994, a substantial amount of processing hours were re-allocated from processing backlog to processing FOIPA litigation cases.

Name Check Program

Name Checks/Direct Rec. & Processed	394,269	402,825	407,000	415,000
Name Checks/Federal User Fee				
Received & Processed	1,648,222	1,367,825	1,443,000	1,635,000
Revenue Earned	\$7,328,716	\$6,066,079	\$6,392,490	\$7,243,050

Name Check Program Performance Indicators	Estimates			
	1991	1994	1995	1996

1. Manual namecheck turnaround time (days)				
a. Goal	5-8	5-8	4-5	4-5
b. Actual	5-8	5-8	...	...
2. Reduce processing steps required				
a. Goal	6-16	6-16	4-9	4-9
b. Actual	6-16	6-16	...	...

A range of steps is necessary due to differences in the types of request received that require different types of processing.

3. Customer Satisfaction				
a. Goal	...	100%	100%	100%
b. Actual	...	94%	...	...

4. Increase use of residual file processing contributors				
a. Goal	20	20	23	24
b. Actual	20	20	...	...

5. Implementation of on-line split screen				
a. Goal	no	no	yes	yes
b. Actual	no	no	...	...

Completed the Case Execution and Item Control Functional Area Analysis (FAA) as part of the Investigative Information Strategy Plan (IISP).

Implemented the Criminal Intelligence Support Program in 22 field Offices in support of the FBI Regional Drug Intelligence Squads and the intelligence function of the Criminal Investigative Division at FBIHQ.

Implemented the Criminal Law Enforcement Application to assist the field in the management of and access to the voluminous intelligence data derived from criminal investigations.

Developed software for Automated Case Support, which includes Universal Index, Electronic Case Files, and Investigative Case Management, for field-wide implementation during FY 1995.

Provided personnel in support of major case/crisis management initiatives undertaken by Rapid Start Teams. These have included the Whitewater investigation and UNABOM, as well as investigations in Sacramento and Union, South Carolina.

Completed the design, development and implementation of the Federal Incident Based Reporting System (FIBRS) component of the Integrated Statistical Reporting and Analysis Application as required by the Uniform Federal Crime Reporting Act of 1988.

Modified Bureau Aircraft Operations to allow a unique aircraft identifier to replace the current tail number. This functionality complies with the DOJ regulations by reporting aircraft usage without compromising the identity of the FBI Aviation Fleet.

Entered into an inter-agency agreement with the Department of Energy's Pacific Northwest Laboratory (PWL) to develop the functional requirements for a request for proposals to build a FOIPA Document Processing System (FDPS), a National Performance Review Laboratory. PWL is building a prototype FDPS to help define the requirements of the system.

Awarded a contract to Justice Technology Partners to purchase Commercial Intelligence Workstations (CIWS), peripherale and software. Approximately 1,900 were purchased this year.

Installed a new central processing unit (CPU) in the Headquarters Computer Center to meet the FBI's increased capacity requirements. This new CPU has additional processing power, enhanced Multiple Domain Feature, additional Input/Output (I/O) channels, concurrent maintenance, improved availability and reliability.

Awarded a contract that allows the FBI and DOJ to purchase 14.6 terabytes of Direct Access Storage Devices (DASD). Acquired and installed DASD in the FBI computer centers.

Implemented the Trusted Guard between FBI computer systems and the Treasury Department's TICS II database to provide secure exchange of information between agencies.

Converted 32 field offices to Token Ring to better support implementation of new applications. Continued implementation plans will see the 18 remaining field offices fully converted in FY 1995.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NYL Amount	Perm.	NYL Amount	Perm.	NYL Amount
Information Management, Automation and Telecommunications.....	945	912 \$162,125	945	912 \$164,625	..	... \$2,500

The FBI has identified a requirement for 20,000 computer workstations, based upon its goal of providing one computer workstation for each 1.5 Special Agents and one computer workstation for each support employee. Computer workstations are required to provide agent and support personnel with ready access to information contained in investigative and intelligence data bases, as well as administrative systems used to operate and manage field offices and staff, such as personnel/payroll, financial management, and automotive fleet management. The availability of sufficient numbers of workstations is critical for employees to perform their working an effective, timely, and efficient manner. A lack of access to investigative and intelligence data bases for inputting the results of investigations conducted or information provided by a confidential source on a timely basis effectively prevents other agents from benefitting from the information. Computer workstations are also critical for preparing reports for United States Attorneys, search warrants, and applications for wiretap authority. Funding totalling \$2,500,000 is requested to acquire 641 computer workstations, which would bring the total number of computer workstations available to 19,629 or 98 percent of the identified level of 20,000.

1995 Appropriation Anticipated

	Perm.	NYL Amount
Technical Field Support and Services.....	155	152 \$97,803

1996 Base		1996 Estimate		Increase/Decrease	
Perm.	NYL Amount	Perm.	NYL Amount	Perm.	NYL Amount
155	152 \$95,768	155	152 \$95,768	..	...

LONG-RANGE GOAL: To provide engineering services, technical support, and equipment to FBI field offices and conduct necessary research and development to adapt technology for deployment against criminal and terrorist activities.

MAJOR OBJECTIVES:

To provide radio communications throughout the FBI in support of field investigations.

To provide continuing technical support to the most essential criminal investigations.

To address the most critical shortfalls in technical investigative capabilities including digital telephony, tactical operations, surveillance, and technical training of personnel.

To extend the life cycle of already deployed equipment which cannot be replaced by providing increased preventive and corrective maintenance.

To provide safe, reliable, effective, and quality vehicles to allow the FBI to successfully complete its investigative mission.

BASE PROGRAM DESCRIPTION: Technical Field Support and Services (TFS&S) Program base funding will support: 1) the Radio Engineering Program which provides field investigative personnel with a user friendly, reliable, flexible radio system capable of handling all tactical communications requirements; tests and evaluates radios; and provides mobile and portable radios to field offices and a variety of task forces; 2) the Surveillance Support Program which develops, procures, and deploys technology systems to the field which allow for wide area tracking, surveillance, and locating of subjects, vehicles, and packages used in the furtherance of criminal activity; 3) the Special Operations Program which conducts research and development and provides FBI field offices with technology which includes body recorders, day and night vision equipment, and concealments required to conduct investigations; 4) the Electronic Analysis Program and the Operational Support Programs which perform complex analyses and provide testimonial support for forensic audio/video and for the technical devices in support of field investigations; 5) the Technical Training Program which provides specialized training to Electronics Technicians and Technically Trained Agents in crucial radio communication disciplines and advanced telephony issues; and 6) the Crisis Response Program which provides training and furnishes technical expertise to the field in support of special events, major cases, and interagency tactical exercises.

In addition to the programs above, the TFS&S Program is responsible for the Advanced Telephony Program (ATP) within the FBI. This program's focus is on the emergence of digital technology and also new telecommunications services that are flooding our society. The telecommunications industry remained virtually unchanged for approximately 50 years. For the most part, the services offered were wireline analog voice. However, the 1980s witnessed the emergence of cordless telephones, cellular telephones, the proliferation of facsimile machines and the promise of high speed transmission of video, voice, and data. The driving factors in these changes are twofold. First, the presence of computers and related digital technology has caused a transition to the information age and a need for timely and voluminous exchanges of information.

A second factor in the emergence of new telecommunications services is the increased need for mobility evidenced by the popularity of cordless (16 million) and cellular phones (17 million) and paging devices (9.4 million). Industry

estimates project that by 1996, 50 million cordless phones, 20 million cellular telephones, and 25 million pagers would be in use. These developments are the driving forces responsible for the emergence in the 1990s of advanced telecommunications technologies, including Integrated Services Digital Network (ISDN), advanced cellular, and personal communications networks (PCN) and enhanced services and features as a result of intelligent networks. The impact that this technology is having and would continue to have on law enforcement cannot be overstated. This technology is exploding; the industry is fiercely competitive, and new products and services are being introduced continuously. These products represent fundamental changes in the way people and businesses communicate, and they pose unprecedented challenges to the FBI and the entire law enforcement community.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and workload of the TFSLS Program are presented in the following table:

Item	1993			1994		Estimates	
						1995	1996
<u>Digital Voice Privacy Radio (DVP)</u>							
Baseline Systems							
Field Locations demand	56			56		56	56
Systems Funded (Cumulative)	54			56		56	56
Installations Underway/Completed	50			56		56	56
Operational/Acceptance Test (Cumulative)	40			47		56	56
<u>DVP Radio Systems, Intrac to</u>							
Zone Control Conversion	11			10		9	6
Offices Requiring Conversion	1			1		3	3
Offices Converted							
<u>Frequency Management</u>							
FBI Frequency Assignments	16,303			16,807		17,500	18,500
DOJ Frequency Assignments	27,395			28,337		29,000	30,000
Radio Interference Instances	141			94		110	130
<u>Forensic Analysis of Evidence</u>							
Total Requests	1,680			1,407		1,520	1,642
Requests by FBI/DEA	1,025			856		925	998
FBI/DEA Requests Completed	817			650		862	873
Backlog of Requests	208			326		370	400

Item	Estimates		
	1993	1994	1995
Total Requests			
Non FBI/DEA Requests	655	551	595
Non FBI/DEA Requests Completed	523	529	537
Backlog of Requests	132	225	300
Court Testimony Requested	46	48	50
Court Testimony Provided	46	48	50
Technical Programs Unit Training			
Training Days Required	5,600	6,000	6,200
Training Days Provided	3,360	4,192	5,764
Field Recording Equipment			
Units on Inventory	2,105	2,365	2,675
Additional Units Required	260	300	700
Additional Units Acquired	...	743	300
Shortfall of Additional Units	260	0	400
Obsolete Units in Inventory			
(Beginning of Year)	1,644	1,726	1,812
Obsolete Units Replaced	...	443	...
Obsolete Units Remaining			
(End of Year)	1,726	1,283	2,100
Comparison of Obsolete Units at Beginning of Year to Total Units on Inventory	78%	73%	68%
Special Search Techniques			
Searches requested	5	7	13
Searches conducted	5	7	13

* The Special Search Techniques (SST) group uses geophysical methodology and remote sensing equipment such as ground penetrating radar, magnetometers, and earth conductivity equipment to search for clandestinely concealed evidence which may include homicide victims, caches of narcotics, monetary instruments, weapons and ammunition, and/or tunnels.

LONG RANGE GOAL: To provide state-of-the-art identification and information services to the local, state, federal, and international criminal justice community through the development, implementation, and support of the Integrated Automated Fingerprint Identification System (IAFIS), National Crime Information Center (NCIC) 2000 system, and the Uniform Crime Reporting (UCR) program.

MAJOR OBJECTIVES:

To continue the phased move and transition of Criminal Justice Information Services (CJIS) Division personnel and operations from FBI Headquarters to a new facility in Clarkburg, West Virginia.

To continue the development of the IAFIS, which includes three major system segments: the Interstate Identification Index (III) segment, the Identification Tasking and Networking (ITN) segment, and the Automated Fingerprint Identification System (AFIS) segment. In addition, the IAFIS project includes the Fingerprint Image Conversion Operation (FICO) project which involves the conversion of approximately 32 million cards to electronic images for AFIS and ITN use.

To continue efforts to eliminate existing backlogs in fingerprint cards, manual arrest records, and disposition and other records necessary for an accurate and up-to-date database supporting the Brady Act initiative.

To meet the needs of approximately 71,000 NCIC user agencies and requirements of the criminal justice community by continuing development of the NCIC 2000 system.

To promote compliance by NCIC State Control Terminal Agencies and Federal Service Coordinators with NCIC policies, procedures, and data quality standards mandated by the CJIS Advisory Policy Board (APB) through biennial audits.

To ensure continuation of a user-oriented management process of all CJIS operations by coordinating meetings, developing candidate courses of action, and facilitating informational input from the CJIS APB and regional working groups.

To continue implementation of the National Incident-Based Reporting System (NIBRS), the Uniform Federal Crime Reporting Act, and the Hate Crime Statistics Act of the UCR program.

To collect, record, and analyze crime statistics on a monthly, semiannual, and annual basis, and to issue the "Crime in the United States" publication and other information in compliance with the Hate Crime Statistics Act.

To provide training, technical consultation, and assistance to Federal, state, and local law enforcement for developing and maintaining accurate UCR data and improving management and operational strategies.

BASE PROGRAM DESCRIPTION:

The CJIS Division is responsible for providing fingerprint identification and related information services to the law enforcement and criminal justice communities. The demand for these services has continued to increase year after year. During FY 1994, the CJIS Division processed over 8.6 million fingerprint cards and approximately 4.4 million pieces of correspondence from the users of its services. In addition, almost 32.7 million transactions/inquiries were processed through the Interstate Identification Index. The CJIS Division is also in the process of converting its repository of manual criminal history records to a fully automated format. As of September 30, 1994, the total number of conversions is approximately 1.3 million. This conversion process continues to add 70,000 records per month to the fully automated data base. Processing dispositions is another area of responsibility of the CJIS Division. Through the Machine Readable Data Project, 81 percent of all dispositions submitted to the FBI are processed by a magnetic tape. Responses to inquiries from our service users average about 1.4 million pieces of mail per month.

The NCIC is a nationwide computerized information system dedicated to serving criminal justice agencies. It is available to over 74,000 authorized criminal justice customers using more than 115,000 terminals. NCIC activity averages 1.6 million transactions daily. In addition, audits, training, and investigative and operational assistance to NCIC users is a function handled by associates of the CJIS Division.

The FBI is in the process of completely replacing the existing NCIC system with a new generation system, NCIC 2000. The NCIC 2000 system will not only duplicate the capabilities of the current system for the compilation, dissemination, and exchange of timely and critical criminal justice and law enforcement information, but will also provide significantly advanced and expanded functionality using the latest tools and associated technology to serve the criminal justice community into the twenty-first century. The NCIC 2000 contract was awarded to the Harris Corporation on March 1993.

The UCR Program provides statistical data concerning the incidence of criminal acts from over 16,000 individual law enforcement agencies nationwide. The benefits derived from the program are significant and have resulted in an increased understanding of the crime problem which confronts the citizenry of this country. Under this program the Hate Crime Report and the annual Crime in the United States are produced. Training in the identification and reporting of hate crime by the law enforcement community remains a priority of the CJIS Division. An enhanced UCR Program, National Incident Based Reporting System (NIBRS), is currently being implemented by the law enforcement community. The NIBRS program is an expanded, improved program that will meet criminal justice informational needs into the next century.

The FBI has received a total of \$16,000,000 to support the Brady Handgun Violence Prevention Act. In Fiscal Year 1994, \$10,000,000 was obtained through the Office of Justice Programs to support the Brady Act implementation, and in 1995 an additional \$6,000,000 was obtained under the Violent Crime Trust Fund to support the Brady Act effort. Implementation of the Brady Handgun Violence Prevention Act will require close coordination between the FBI and local law enforcement entities. This coordination will be even more critical with the advent of the Administration's Community Policing Initiative. This funding is being expended to support primarily the interim requirements mandated by the Brady Act. In addition, a portion of this funding is being expended to obtain contractor support to develop the National Instant Check System functional requirements/specifications.

The 1996 base funding for the revitalization and relocation effort totals \$84,400,000. From a long-range funding strategy, the FBI's intent is to recur the 1996 base level funding of \$84,400,000, along with the use of user fee funding in the outyears. This strategy is expected to provide the necessary funding to support the revitalization and relocation effort with no additional enhancement requests. The current projected IAFIS costs are approximately \$521,000,000. This amount of funding would enable the FBI to develop the IAFIS up to Initial Operating Capability for the Automated Fingerprint Identification System.

The Emergency Supplemental Appropriation Act for Fiscal Year 1994 provided \$20 million in no-year funding for the FBI to hire 500 employees in West Virginia. This supplemental appropriation will support the transition of the CJIS Division to West Virginia. A total of 373 employees were hired in West Virginia from March 1994 through December 1994 to support the CJIS Division transition effort. Employees hired between March and December 1994 and being compensated by the \$20 million supplemental appropriation are handling various clerical and administrative duties (e.g., mail and filing, time and attendance, typing, etc). Furthermore, as many identification function specialists are transitioned to West Virginia, these employees are tested, selected and trained as fingerprint classification specialists. Others are being hired to fill positions that require specialized skills (e.g., training instructors, police officers, computer specialists, facilities management specialists, operating engineers). In all cases, these employees are providing the work skills necessary to support day-to-day operations of the CJIS Division as it progresses with its relocation to West Virginia. The term appointments for these employees are not to exceed three years and as current employees at FBI Headquarters who choose not to relocate, leave the FBI, the term employees will be converted to permanent positions.

The CJIS Division also has responsibility for the MCIC Audit Program. The CJIS APB has recommended biennial audits of each state and applicable Federal agencies to ensure compliance with MCIC/III/UCR policy mandates (e.g. data quality, accuracy, timeliness and completeness; training; security; system availability; validation of authenticity of entry). The FBI plans to expand the successful MCIC Audit Program to incorporate appropriate nationwide audit responsibilities for other CJIS Division information systems, including the NIBRS, UCR, IAFIS/National Fingerprint File and automated criminal history records of the Fingerprint Identification program, both of which directly support the Brady Act.

The FBI has begun establishing performance measures for its Criminal Justice Services program in support of the Government Performance and Results Act. The performance goals for this program are: (1) reduce the average response time for fingerprint cards to under two weeks for 95 percent of work; (2) provide National Crime Information Center (NCIC) assistance in the areas of evaluation, customer-directed problem solving, training, program development, and administration, as well as transition assistance in the same areas for NCIC 2000; (3) manage the transition from the traditional summary-based Uniform Crime Reporting (UCR) to the newer National Incident-Based Reporting System (NIBRS) with its expanded collection, processing, verification, analysis, and annual publication of crime statistical data received from local law enforcement; (4) transfer employees from FBI Headquarters and hire additional employees in West Virginia; and (5) develop the Integrated Automated Fingerprint Identification System (IAFIS) which will be a rapid response, paperless system that will receive and process electronic fingerprint images, criminal histories, and related data on criminal and civil applications.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Criminal Justice Services decision unit are presented in the following table:

Item	1991	1992	Estimate
Fingerprint Cards			
National Justice			
Received	5,024,977	5,502,066	5,380,000
Cashed	5,323,397	5,642,898	5,380,000
(Non-Federal Applicant)			
Received	1,443,821	1,663,142	1,865,000
Processed	1,438,052	1,578,709	1,790,000
Fees Received on	1,412,349	1,550,364	1,842,000
Revenue Earned	\$21,269,005	\$24,495,620	\$29,573,000
Special User Fee			\$11,052,000
User Fee (Federal Applicant)	\$8,474,094	\$9,302,184	\$10,626,000
Name Checks Received			
and processed	504,639	465,969	450,000
Revenue Earned	\$1,713,480	\$1,698,328	\$1,640,000
Fingerprint Cards			
Received	1,674,004	1,812,850	2,271,000**
Processed	1,423,764***	1,228,855***	1,885,000***
Fees Received on	1,418,618	1,217,871***	1,885,000
Revenue Earned	\$23,342,686	\$20,977,613	\$32,987,000
Police Identification for Firearms			
Name Checks Received			
and processed	551,223	3,666,876	3,800,000
Total All Sources			3,952,000
Name Checks	1,055,863	4,132,844	4,250,000
Fingerprint Cards			
Received	8,142,802	8,678,058	9,843,000
Processed	8,189,113	8,447,463	9,337,000
Total Revenue Earned	\$54,799,265	\$56,473,745	\$73,686,000

* Fee increase (\$1) implemented for January 1, 1994.

** Increase based on implementation of the Brady Act and the estimated visa receipts.

*** All User-Fee receipts are not processed because of immediate rejection (failure to comply with established procedures and/or requirement) and returns due to illegible fingerprints.

**** Reduction due to elimination of fingerprint checks for certain reinvestigations by Defense Investigative Services.

Item	Estimates		
	1993	1994	1995
Interstate Identification Index			
-- Name Check Requests	22,136,923	25,431,678	28,992,000
-- Criminal Record Requests	6,251,438	7,237,281	8,757,000
Correspondence (name checks etc.)			33,031,000
-- Received	645,208	638,811	641,000
-- Processed	640,688	644,147	641,000
Name checks on magnetic tape	56,809	143,401	150,000
Disposition Reports			150,000
-- Received	3,001,873	2,769,845	3,000,000
-- Processed	4,288,678	3,087,322	3,352,000
Fugitives Identified through			3,300,000
Posting of Wanted Notices			3,687,000
Manual Criminal History	34,087	44,275	50,000
Records Converted	396,433	718,224	750,000
Records Awaiting Conversion	8,057,982	7,339,358	6,589,358
NATIONAL CRIME INFORMATION CENTER			
NCIC Transactions	471,760,908	423,000,000	465,000,000
Training Sessions Conducted	30	30	45
Audits Conducted	33	29	33
UNIFORM CRIME REPORTING			
Statistical Reports Received	14,600,000	20,385,550	26,357,000
Travel Requests for Training			31,397,000
and development speeches,	187	212	260
meetings & police schools	137	190	210
Travel requests honored			310
			230
§ Receipts for Felon Identification in Firearms Sales area also included in Interstate Identification Index totals.			
PERFORMANCE INDICATORS:			
1) Average response time			
1. Criminal	13.6	17.6	40
2. Civil	13.4	11.9	20
2) a. Law enforcement personnel trained by NCIC or NCIC 2000	1,500	1,683	3,000
			4,000

Item	Estimate		
	1993	1994	1995
b. Number of wanted persons arrested or missing persons located as a result of off-line searches	182	265	300
The large increase in 1995 is attributed providing training and orientation to systems support staff at the state and local level for NCIC 2000, helping address improvements for data entry quality, ease of use and system security for Law Enforcement contributors.			
3) a. Number of local law enforcement agencies participating in Hate Crime data collection	6,850	7,000	8,200
b. Number of state UCR programs certified for full NIBRS participation	6	9	11
c. Number of federal agencies in a developmental phase of complying with the Uniform Federal Crime Reporting (UFCR) Act	0	1	3
			4

The UCR Act requires data be reported according to the requirement in the FBI's UCR program. There exists a Congressional mandate to report crime investigated by federal law enforcement and investigative agencies.

4) a. Total Number of employees in NY (cumulative)	370	800	1,300
b. Number of new hires in NY (cumulative)	390	526	877
5) Integrated Automated Fingerprint Identification System			
a. System Specification Review	3/93		
b. System Design Review		9/94	
c. Preliminary Design Review		6/95	
d. Critical Design Review			11/95

In support of the IAFIS effort the following contracts have been awarded: ITM contract awarded April 1994, APIS Initial fly-off contracts awarded May 1994, IIR contract awarded August 1994, and PICO project contract awarded December 1994. In

addition, the FBI awarded contracts for an Independent Verification, Validation and Testing support contract in April 1994, and a Systems Integration support contract in February 1994. The FBI has also established agreements with the General Services Administration and other consulting organizations to provide systems engineering, auditing and programmatic support services.

As of January 1995, nine States have been submitting NIBRS data to the Uniform Crime Reporting Program. Eighteen other States, the FBI, and the Department of Commerce either have submitted or are submitting at least one NIBRS test tape.

The construction of the new FBI facility is proceeding as planned with the completion date scheduled for June 1995. The structural steel skeleton of the Main Building was completed and "topped out" in August 1993, and the remaining work on the structural steel and foundation contract was completed in December 1993. Also, the service center was completed in December 1993. During 1994, the facilities for the east and west entrance security ports were completed and put into use. The main building was fully enclosed and nearly all of the site roadways, parking lots, and sidewalks were completed. Permanent utility service (gas, water, sewer, and electric) was provided to all facilities on the site and initial start up and testing of the central plant's boilers and refrigeration equipment was completed.

The design of the FBI-West Virginia Child Development Center, Inc. building was completed in March 1993. The construction documents were released for bid in early 1994 and bids were received on May 1994. Because the two bids received far exceeded the government estimate, this project was rebid in August 1994 and awarded in September 1994. The center is scheduled for completion in August 1995. The contract was awarded for approximately \$500,000 less than the lowest initial bid.

As of December 1, 1994, a total of 1,494,727 manual criminal history records of active criminals had been converted to an automated format at the FBI's West Virginia satellite facilities.

As depicted in the workload chart, during 1994, the FBI received a total of 5,502,066 criminal justice fingerprint cards, which was 9.5 percent more than the total received in 1993. The growth is attributed to the increase in criminal fingerprint cards resulting from escalating criminal activity throughout the country.

Streamlining efforts have improved the processing capabilities in the Fingerprint Identification program. The fingerprint card backlog decreased from an unmanageable 950,000 in February 1993, to 150,000 in October 1993. The average processing time decreased from approximately 35 workdays in 1992 to 18 workdays during 1994. The goal is to maintain an average processing time of 15 workdays or less until the new system is developed. Moreover, increasing receipts and personnel transition efforts have attributed to the current 557,000 card backlog reached on January 3, 1995.

1995 Appropriation
Anticipated

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Program Direction.....	1,252	1,227 \$105,005	1,252	1,227 \$108,625	...	...

This activity includes the management, administrative support, personnel administration, legal, planning, evaluation, inspection and financial functions of the FBI.

1995 Appropriation
Anticipated

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Management and Administration.....	1,252	1,227 \$105,005	1,252	1,227 \$108,625	...	...

LONG-RANGE GOAL: To provide effective national and organizational leadership, policy development, and direction, control and administration of personnel and financial resources.

MAJOR OBJECTIVES:

To provide the Director and executive management with accurate, timely, and pertinent information so they may perform their responsibilities.

To provide accurate and timely legal advice concerning investigative and administrative operations to FBI management and employees; to coordinate and provide effective support for litigation which arises from administrative and investigative operations; and to provide legal training to FBI employees and outside entities.

To provide an effective equal employment opportunity (EEO) counseling program that promotes confidence among employees in the EEO process; and to effectively monitor employment and personnel practices in the FBI to discern any patterns of discrimination or disparate impact on any group of employees.

To maintain liaison with the Department of Justice and other oversight entities, to include the Office of Management and Budget (OMB) and the Congress.

To respond to Congressional and General Accounting Office requests, to increase awareness in Congress of the needs and accomplishments of the FBI and to assist in conveying information on FBI activities to the public and the media.

To ensure the effective and efficient administration of personnel services, including career guidance and development, pay and leave administration, position classification, policy research and advice, staffing, and oversight of automated and administrative systems.

To ensure the physical security of the JHM FBI Building; operate, maintain, alter, and repair the JHM FBI Building; provide effective coordination and supervision of the acquisition, alteration, renovation, and release of space provided by the

General Services Administration (GSA); and, to provide printing, warehousing, and supply services of the highest quality on a timely basis in support of the FBI's administrative and investigative efforts.

To provide administrative support to all FBI employees through employee benefit programs, counseling, health care, and career guidance.

To provide financial support and services through the effective execution of budgetary processes, financial analyses, payroll administration and property processing, automotive management, contract review, disposition of forfeited and seized property, procurement and property management matters, relocation and transportation services, and accounting in accordance with Federal Government Accounting Standards.

To support the Chief Financial Officer's (CFO's) role as the source and provider of financial information and analyses to FBI management and the Implementor of Government Performance and Results Act (GPRA) requirements; and to integrate the GPRA into the FBI's budget formulation process.

To investigate allegations of serious misconduct or criminality made against FBI employees and monitor disciplinary action taken against FBI employees to ensure discipline is administered fairly and consistently.

To perform inspections of approximately 25 entities to include Field Divisions, Legal Attache offices, and FBI Headquarters Divisions/offices.

To perform financial and compliance audits of approximately 24 FBI entities to include Field Divisions and Legal Attaches and conduct audits of four FBI Headquarters funds and systems.

To conduct an independent, limited compliance review of the FBI's efforts to implement the Federal Managers' Financial Integrity Act of 1982 and its internal control procedures and documentation (OMB Circular A-123).

BASE PROGRAM DESCRIPTION: The program activities within the Management and Administration (MAA) decision unit provide the foundation upon which the daily operations of the FBI function within the framework of legal, statutory, and regulatory responsibilities. No program increases or decreases are proposed for MAA programs in the 1996 budget. In 1993, Congress provided 62 professional support positions for the Office of General Counsel, which is part of the MAA program. These positions were provided to ensure legal support for investigative and administrative operations was not affected by the 1994 restructuring of FBI Headquarters, which resulted in the reallocation of 300 Headquarters agents to field investigate assignments.

Following is a description of the program activities of the MAA program which highlight the major duties and responsibilities performed within these areas in support of FBI investigative and counterintelligence operations:

Policy Implementation and Development: Executive management provides effective national and organizational leadership, as well as, effective direction, control and administration of resources. Streamlining operations, such as the FBI's Project FORGE and the recent restructuring of FBI Headquarters, have reduced the organizational hierarchy and shifted decision making authority, where appropriate, to front-line personnel.

Office of Equal Employment Opportunity: This office is responsible for the handling of all EEO complaints, the development and monitoring of special emphasis programs, monitoring and tracking of all personnel systems, and training in EEO matters

to all employees. The aggregate number of EEO complaints, demands on special emphasis program responsibilities, and monitoring/tracking efforts and training continue to increase as a result of the Director's personnel initiatives and emphasis in the EEO program activity.

Office of Public and Congressional Affairs: This Office is responsible for providing information on FBI policies, responsibilities, investigations, services, programs, and accomplishments to the media, scholars, and the general public; is responsible for Congressional relations, including the preparation of testimony for the Director and other FBI officials; monitors proposed legislation and provides comments on legislation that may affect FBI operations, administration or resources; formulates and proposes to the Department of Justice legislation needed by the FBI; facilitates Congressional oversight; responds to constituent inquiries that may affect FBI operations; conducts tours of FBI Headquarters; and conducts liaison with the General Accounting Office.

Office of General Counsel: The Office, formerly the Legal Counsel Division, was restructured in June 1994 to improve the delivery and effectiveness of legal programs and services for the FBI. As a result of the redeployment of agents from FBI Headquarters to field investigative programs, most of this Office's Special Agent positions were reprogrammed to the field. Congress provided 62 support positions in the Justice Appropriations Act of 1995 to replace agents with civilian attorneys. These new attorneys will undergo intensive training to address the enormous increase in personnel-related litigation and administrative issues, such as ethics and review of personnel policy and procedure.

Finance: The Finance program activity was established as a separate program under the restructuring of FBI Headquarters. The program encompasses the budget formulation activities of the FBI, operating year accounting activities, procurement and contracting activities, and financial analysis. The Assistant Director of the Finance Division serves as the FBI's Chief Financial Officer. Within the Finance program activity, the FBI has established a pilot program under the GPPA. The purpose of this pilot program is to reduce contract administrative costs and the processing time of purchase orders. The following performance goals and performance indicators have been established for this pilot program: (1) to reduce the turnaround time of all purchase orders by 16 percent; (2) to realize an 8 percent savings to the government through contract negotiations; (3) to realize a 7 percent savings in administrative costs associated with the solicitation and awarding process of a contract; and (4) to implement a survey tool which tests the quality of the procurement process as viewed by the end user.

Inspection: The inspection program activity includes internal inspections, audits, studies, evaluations, and analyses; and it includes the Office of Professional Responsibility. Under the revised inspection process, emphasis is placed on investigative programs, investigative support operations, and field office management. Instructions and/or recommendations are made to bring the inspected entities in compliance with rules and regulations or to improve the effectiveness, efficiency, and economy of operations. The audits conducted and audit reports include financial, compliance, and microcomputer audits; funds/systems audits as well as Electronic Data Processing, General Ledger, and productivity review audits. Planning and evaluations have been associated with the organizational analyses which will result in the formulation of a new performance appraisal system, developed and implemented a survey methodology for use in the new organizational inspection processes, and completed an internal review of the Special Agent Mid-Level Management Review Board and the Career Development Program. Responsibility also lies with this program activity to coordinate and monitor all aspects of the FBI long-range planning and strategic planning efforts, to include those encompassed by the GPPA.

Personnel: The Personnel program activity was also established as a separate entity as a result of the restructuring of FBI Headquarters. Federal and legal guidelines govern the operations of all entities within the Personnel program activity and the FBI's practices and policies flow from such directives. Personnel/Human Resource Management provides a framework through which the FBI is able to employ the nearly 26,000 individuals providing investigative services affecting the United States

Federal Bureau of Investigation
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in Thousands)

Item	Organized Criminal Enterprises			Subtotal			Law Enforcement Support			Total		
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Gratuities
GS-15
GS-14
GS-13
GS-12
GS-11
GS-9
GS-7
GS-5
Total positions and annual rate
Lapses (?)
Other personnel compensation
Total workyears and personnel
Compensation
Personnel benefits
Travel and transportation of persons	...	28	...	25	...	...	...	...	...	...	...	25
Transportation of things
GSA rent
Rental payments to others	...	65	...	65	...	...	...	...	...	...	...	65
Comm., utilities, and info charges	...	148	...	148	...	...	...	...	...	...	...	148
Printing and reproduction
Other services	...	2,000	...	2,000	...	600	...	600	...	2,600	...	2,600
Supplies and materials	...	30	...	30	...	...	...	...	...	30	...	30
Equipment	...	152	...	152	...	...	...	2,900	...	2,900	...	2,900
Land and structure
Total program workyears and obligations charges reported, 1975	...	\$2,470	...	\$2,470	...	\$600	...	\$2,500	...	\$3,100	...	\$5,570

Federal Bureau of Investigation
 Services and expenses
 Status of Construction and Summary of New Facilities Requirements
 (Dollars in Thousands)

Project	Funds Status		Total		Status as of December 1994		Estimated Activation Date
	Fiscal Year	New Construction Amount	Total Funding	Current Cost Estimate or Actual	Oblig. to Date	Stage of Program	
I Expansion of Existing Facilities							
Headquarters Computer Center Renovation	1993	\$278	\$7,076 *	\$7,078	\$6,333	Renovation is 75% complete	4/95
	1994	6,800					
II New Facilities							
Fingerprint Identification Facility	1990	\$173,200	\$211,000 **	\$211,000	\$198,368	Under construction; 94% complete	6/95
	1991	12,800					
	1992	10,731					
	1993	8,100					
	1994	6,969					
FBI Academy Tactical Emergency Vehicle Operations Center (TEVOC)	1993	\$3,750	\$3,750 ***	\$3,750	\$3,668	Truck now available for training exercises	11/94
TEVOC Garage	1994	\$792	\$792 ***	\$1,090	\$68	Architectural & Engineering Study completed	4/98
Hostage Rescue Team Shooting House	1994	\$1,079	\$1,079	\$3,079	\$150	Final stages of design/ construction ready to begin	2/98

* Funding provided as part of the National Crime Information Center (NCIC) 2000 project; renovations required to support NCIC 2000 computer system.
 ** Includes \$185,000,000 from the 1990 Disasters Emergency Supplemental Appropriations Act and \$26,000,000 from fingerprint identification user fees.
 *** Received funding through the 1997 Assets Forfeiture Fund Super Surplus.
 **** Funding provided internally for construction of a garage to store TEVOC vehicles.

Federal Bureau of Investigation
Salaries and Expenses
Status of Congressionally Requested Studies, Reports, and Evaluations

The Conference Committee Report accompanying the Department of Justice 1995 Appropriations Act (Report No. 103-708) noted that it may be more cost-effective for the FBI to contract out some or all of the responsibilities of background investigations and would entertain a reprogramming of funds for this purpose. With the additional funding provided in the 1995 Appropriations Act, the FBI was able to begin the nationwide implementation of the Background Investigations Contract Services (BICS) program. The total BICS funding of \$6,812,000 includes \$4,436,000 for implementation costs and \$2,376,000 to perform approximately 2,376 background investigations. In 1996, this funding would be retained; however, funding for one-time equipment and related start-up costs would be shifted to contractor payments.

The Senate Appropriations Committee (Report No. 103-309) directed the FBI to advise the Committee of programmatic allocation of the additional 436 Special Agents approved by the Committee. The allocation of the 436 additional field Special Agents is distributed to the Organized Criminal Enterprises (OCE) program (276) and to the Violent Crimes Program (160). Within the OCE program, Special Agents will be used in the East European, Russian, and Asian Organized Crimes subprograms, as well as the Legal Attaches program activity.

Federal Bureau of Investigation Salaries and Expenses Priority Ranking Fiscal Year 1995				
Program	Base Program	Ranking	Program	Program Changes Initiative
White - Collar Crime		1	OCE	International Training Center
Other Field Programs		2	IMAT	Infrastructure/Computer Workstations
Organized Criminal Enterprises		3	OCE	Emerging OCE/Legal Attaches
Criminal Justice Services		4	Forensic Services	State & Local Assistance/DRU/GFPE
Technical Field Support and Services		5		
Training, Recruitment, and Applicant		6		
Information Management, Automation, and Telecommunications		7		
Forensic Services		8		
Management and Administration		9		

Federal Bureau of Investigation
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994			1995			1996 Program Changes			Total 1996			Overall Total FBI
	Author- ized	Reim- bursable	Total (a)	Author- ized	Reim- bursable	Total (b)	Author- ized	Reim- bursable	Total	Author- ized	Reim- bursable	Total	
Criminal Investigative Series (1811)	9,493	904	10,397	9,781	901	10,682				9,781	901	10,682	
Fingerprint Identification (072)	735	118	853	740	217	957				740	217	957	
General Administrative and Clerical (300-399)	5,613	940	6,553	5,650	967	6,617				5,650	967	6,617	
Professional/Technical	6,098	1,020	7,118	6,136	1,049	7,185				6,136	1,049	7,185	
Total	21,937	2,982	24,919	22,287	3,134	25,421				22,287	3,134	25,421	
Washington	6,269	1,411	7,680	5,970	1,512	7,482				5,970	1,512	7,482	
U.S. Field	15,557	1,571	17,128	16,196	1,622	17,818				16,196	1,622	17,818	
Foreign Field	111		111	121		121				121		121	
Total	21,937	2,982	24,919	22,287	3,134	25,421				22,287	3,134	25,421	

a. FY 1994 amounts calculated based on percentage distribution of onboard employees applied to each non-1811 series classification. This reflects a change in methodology from prior years. An additional 106 positions were provided to the FBI in the final quarter of FY 1994 for the NDC function.

b. FY 1995 amount calculated as in FY 1994 with an increase of 101 Fingerprint Identification series personnel added.

Federal Bureau of Investigation
Salaries and expenses
of Agents of Motor Vehicles

Method of Acquisition and Type of Vehicle	1993		1994		End of Year		1995		End of Year		1996		End of Year	
	EDV Inventory	Acquired	Disposed	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	End of Year
Limousine	1	364	350	2,400	2,400	1	353	226	2,537	400	390	2,587	390	2,587
Large sedan	2,376	317	290	5,146	5,146	290	827	700	5,273	850	800	5,322	800	5,322
Medium sedan	5,119	81	50	951	951	50	99	25	988	100	75	710	75	710
Compact sedan	820	31	20	87	87	20	24	6	61	50	25	86	25	86
Subcompact sedan	31	46	5	91	91	5	6	6	92	50	25	117	25	117
Station wagon	66	33	25	426	426	25	30	25	431	40	30	441	30	441
Van	416	1	1	1	1	1	1	1	1	1	1	1	1	1
Amulance	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Special Purpose	531	146	126	654	654	126	47	45	656	100	80	676	80	676
4 wheel drive	166	12	10	170	170	10	21	15	176	35	25	186	25	186
Trucks	44	1	1	45	45	1	3	5	43	5	5	45	5	45
Pickup	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Other	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal purchased	9,364	1,027	870	9,581	9,581	870	1,370	1,065	9,696	1,330	1,110	10,076	1,110	10,076
Leased														
Large sedan	80	15	15	80	80	15	15	15	80	15	15	80	15	80
Medium sedan	220	15	15	220	220	15	15	15	220	15	15	220	15	220
Compact sedan	45	15	15	45	45	15	15	15	45	15	15	45	15	45
Station wagon	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Van	45	15	15	45	45	15	15	15	45	15	15	45	15	45
Special Purpose	45	15	15	45	45	15	15	15	45	15	15	45	15	45
4 wheel drive	45	15	15	45	45	15	15	15	45	15	15	45	15	45
Trucks	40	15	15	40	40	15	15	15	40	15	15	40	15	40
Pickup	10	15	15	10	10	15	15	15	10	15	15	10	15	10
Other	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal leased	500	100	100	500	500	100	100	100	500	100	100	500	100	500
Seized or no cost excess														
Limousine	3	3	3	3	3	3	2	2	3	2	2	3	2	3
Large sedan	181	10	47	124	124	47	80	40	144	80	40	164	40	164
Medium sedan	425	92	43	474	474	43	100	50	524	100	50	574	50	574
Compact sedan	63	45	10	96	96	10	15	15	96	15	15	96	15	96
Subcompact sedan	16	20	6	33	33	6	10	10	33	10	10	33	10	33
Small sedan	9	15	6	18	18	6	5	5	18	5	5	18	5	18
Station wagon	110	14	10	114	114	10	25	20	116	25	20	124	20	124
Van	2	1	1	1	1	1	1	1	1	1	1	1	1	1
Bus	164	78	15	247	247	15	25	20	255	25	20	260	20	260
Special Purpose	196	42	75	165	165	75	45	30	180	45	30	195	30	195
4 wheel drive	142	10	30	172	172	30	10	5	177	10	5	182	5	182
Trucks	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Pickup	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Other	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Subtotal seized	1,316	259	243	1,402	1,402	243	200	165	1,507	200	165	1,607	165	1,607
Total Vehicles	11,210	1,486	1,213	11,453	11,453	1,213	1,770	1,360	11,653	1,730	1,410	12,183	1,410	12,183

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**Salary Bureau of Transition
Programs and Expenses
Accounting Change
(Column in thousands)**

	Perm	Work =	
1989 Appropriation Enclosed	22,387	1,787	24,174
1990 General Savings	---	---	---
1990 Pay Rate	---	---	---
High Intensity Drug Trafficking Area (HIDTA) Transfer	---	(100)	---
1990 Appropriation Anticipated	22,387	1,787	24,174
Adjustments to base:			
Transfer of 1989 HIDTA Transfer	---	---	---
Transfer to Violent Crime Reduction Trust Fund	---	---	---
DNA	---	---	---
Automation of FBI Academy	---	---	---
Capital Improvements at FBI Academy	---	---	---
Subtotal Decreases	---	---	---
Mandatory Increases:			
One additional compensable day	---	---	---
1990 Pay Rate	---	---	---
Automatic pay increase of 1990 pay rate	---	---	---
Voting, Quota for Transition	---	---	---
Accumulation of 1989 Enhancement	---	---	---
Health Benefits	---	---	---
800 supplemental retirement contributions	---	---	---
Fidelity Investments	---	---	---
Annuity Guarantees	---	---	---
General Services Administration Plan	---	---	---
Postal Pay Increase	---	---	---
Subtotal Mandatory Increases	---	---	---
Depreciation:			
Procurement Savings	---	---	---
FIS 2000 Savings	---	---	---
Offsetting FERS Savings	---	---	---
Subtotal Decreases	---	---	---
Total Adjustments to Base	---	---	---
1990 Base	22,387	21,879	2,201,461
Program Increases:			
High Intensity Drug Trafficking Center	---	---	---
Operational Criminal Enterprises - Legal Matters	---	---	---
INL/OPS	---	---	---
Computer Workstations	---	---	---
Total Program Increases	---	---	---
1990 Request	22,387	21,879	2,201,461

Federal Bureau of Investigation
Justification of Adjustments to Base
Salaries and expenses
(Dollars in Thousands)

	<u>MY</u>	<u>Amount</u>
Transfers:		
1. <u>Transfers to Violent Crime Reduction Trust Fund</u>.....	...	-
The FBI's 1996 request includes a transfer of DNA funding (\$450,000), automation at the FBI Academy, Quantico, Virginia (\$167,000) and capital improvements at the FBI Academy, Quantico, Virginia to the Violent Crime Reduction Trust Fund.	...	-\$1,219
2. <u>Non-recurrence of 1995 High Intensity Drug Trafficking Area (HIDTA) Transfers</u>.....	...	-
In 1995, this one-time only funding was transferred to support the HIDTAs. These funds are being non-recurred in 1996 as they are one-time only purchases.	...	-\$2,632
Total Transfers.....	...	-\$3,851
Mandatory Increases:		
1. <u>One additional compensable day</u>.....	...	5,082
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$3,202,000 for pay and \$1,880,000 for benefits).	...	24,566
2. <u>1996 pay raise</u>.....	...	30,916
This request provides for the proposed 2.2 percent pay raise to be effective in January 1996 and is consistent with Administration policy. The amount requested, \$24,566,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$15,477,000 pay and \$9,089,000 benefits = \$24,566,000.)	150	
3. <u>Annualization and increase of 1995 pay raise</u>		
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$19,477,000 for pay and \$11,439,000 for benefits.)		

Justification of Adjustments to Base (continued)
(Dollars in thousands)

4.	<u>Within-grade increases</u>.....	...	5,258
	This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$3,313,000 for pay and \$1,945,000 for benefits.		
5.	<u>Annualization of the 480 positions approved in 1993</u>	480	28,737
	This provides for the annualization of 480 positions associated with the restoration of field support and Brady Act/CJIS support; and 218 agent and 150 support workyears associated with the restoration of Agents to FY 1992 levels in the Organized Criminal Enterprise and Violent Crimes Programs.		
		Approved 1995 Increases	Annualization Required
	Personnel Compensation	\$23,538	\$16,515
	Personnel Benefits	11,536	6,317
	Travel	510	239
	Trans. of things	780	...
	Communications/Utilities	268	348
	Other Services	3,753	1,678
	Supplies/Materials	405	596
	Equipment	<u>6,742</u>	<u>3,044</u>
	Total costs subject to annualization	\$47,532	\$28,737
6.	<u>Health benefits</u>.....	...	1,842
	The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$1,842,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.		

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	FY	Amount
7. \$80 supplemental retirement contributions.....	...	1,776
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31, of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$1,776,000 provides for this contribution.		
8. Foreign allowances.....	...	66
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$66,000 provides a 1.7 percent increase over the obligations of \$64,897, which are projected for 1995.		
9. Accident compensation.....	...	379
This increase reflects the billing provided by the Department of Labor for the actual costs in 1994 of employees' accident compensation. The 1996 amount will be \$379,000.		
10. General Services Administration (GSA).....	...	15,384
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$15,384,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.		
11. Postal rate increase.....	...	849
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$849,000 is requested in 1996 to cover this rate adjustment.		
Total mandatory increases.....	<u>630</u>	<u>\$114,855</u>

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Justification of Adjustments to Base (continued)
(Dollars in Thousands)

Decreases:

	WY	Amount
1. Federal Employees Retirement System (FERS).....	...	-\$10,493
Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The estimated decrease is \$10,493,000.		
2. Procurement Savings.....	...	-3,184
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the federal procurement system. The 1996 decrease is \$3,184,000.		
3. FTS 2000 Savings.....	...	-1,873
This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$1,873,000.		
Total Decreases.....	---	-\$15,550
Total, Adjustments to Base.....	630	\$ 95,454

A		B		C		D		E		F		G		H		I		J		K		L		M		N		O		P		Q		R		S		T		U		V		W		X		Y		Z		AA		AB		AC		AD		AE		AF		AG		AH		AI		AJ		AK		AL		AM		AN		AO		AP		AQ		AR		AS		AT		AU		AV		AW		AX		AY		AZ		BA		BB		BC		BD		BE		BF		BG		BH		BI		BJ		BK		BL		BM		BN		BO		BP		BQ		BR		BS		BT		BU		BV		BW		BX		BY		BZ		CA		CB		CC		CD		CE		CF		CG		CH		CI		CJ		CK		CL		CM		CN		CO		CP		CQ		CR		CS		CT		CU		CV		CW		CX		CY		CZ		DA		DB		DC		DD		DE		DF		DG		DH		DI		DJ		DK		DL		DM		DN		DO		DP		DQ		DR		DS		DT		DU		DV		DW		DX		DY		DZ		EA		EB		EC		ED		EE		EF		EG		EH		EI		EJ		EK		EL		EM		EN		EO		EP		EQ		ER		ES		ET		EU		EV		EW		EX		EY		EZ		FA		FB		FC		FD		FE		FF		FG		FH		FI		FJ		FK		FL		FM		FN		FO		FP		FQ		FR		FS		FT		FU		FV		FW		FX		FY		FZ		GA		GB		GC		GD		GE		GF		GG		GH		GI		GJ		GK		GL		GM		GN		GO		GP		GQ		GR		GS		GT		GU		GV		GW		GX		GY		GZ		HA		HB		HC		HD		HE		HF		HG		HH		HI		HJ		HK		HL		HM		HN		HO		HP		HQ		HR		HS		HT		HU		HV		HW		HX		HY		HZ		IA		IB		IC		ID		IE		IF		IG		IH		II		IJ		IK		IL		IM		IN		IO		IP		IQ		IR		IS		IT		IU		IV		IW		IX		IY		IZ		JA		JB		JC		JD		JE		JF		JG		JH		JI		IJJ		JK		KL		KM		KN		KO		KP		KQ		KR		KS		KT		KU		KV		KW		KX		KY		KZ		LA		LB		LC		LD		LE		LF		LG		LH		LI		LJ		LK		LM		LN		LO		LP		LQ		LR		LS		LT		LU		LV		LW		LX		LY		LZ		MA		MB		MC		MD		ME		MF		MG		MH		MI		MJ		MK		ML		MM		MN		MO		MP		MQ		MR		MS		MT		MU		MV		MW		MX		MY		MZ		NA		NB		NC		ND		NE		NF		NG		NH		NI		NJ		NK		NL		NM		NN		NO		NP		NQ		NR		NS		NT		NU		NV		NW		NX		NY		NZ		OA		OB		OC		OD		OE		OF		OG		OH		OI		OJ		OK		OL		OM		ON		OO		OP		OQ		OR		OS		OT		OU		OV		OW		OX		OY		OZ		PA		PB		PC		PD		PE		PF		PG		PH		PI		PJ		PK		PL		PM		PN		PO		PP		PQ		PR		PS		PT		PU		PV		PW		PX		PY		PZ		QA		QB		QC		QD		QE		QF		QG		QH		QI		QJ		QK		QL		QM		QN		QO		QP		QQ		QR		QS		QT		QU		QV		QW		QX		QY		QZ		RA		RB		RC		RD		RE		RF		RG		RH		RI		RJ		RK		RL		RM		RN		RO		RP		RQ		RR		RS		RT		RU		RV		RW		RX		RY		RZ		SA		SB		SC		SD		SE		SF		SG		SH		SI		SJ		SK		SL		SM		SN		SO		SP		SQ		SR		SS		ST		SU		SV		SW		SX		SY		SZ		TA		TB		TC		TD		TE		TF		TG		TH		TI		TJ		TK		TL		TM		TN		TO		TP		TQ		TR		TS		TT		TU		TV		TW		TX		TY		TZ		UA		UB		UC		UD		UE		UF		UG		UH		UI		UJ		UK		UL		UM		UN		UO		UP		UQ		UR		US		UT		UU		UV		UW		UX		UY		UZ		VA		VB		VC		VD		VE		VF		VG		VH		VI		VJ		VK		VL		VM		VN		VO		VP		VQ		VR		VS		VT		VU		VV		VW		VX		VY		VZ		WA		WB		WC		WD		WE		WF		WG		WH		WI		WJ		WK		WL		WM		WN		WO		WP		WQ		WR		WS		WT		WU		WV		WW		WX		WY		WZ		XA		XB		XC		XD		XE		XF		YG		YH		YI		YJ		YK		YL		YM		YN		YO		YP		YQ		YR		YS		YT		YU		YV		YW		YX		YY		YZ		ZA		ZB		ZC		ZD		ZE		ZF		ZG		ZH		ZI		ZJ		ZK		ZL		ZM		ZN		ZO		ZP		ZQ		ZR		ZS		ZT		ZU		ZV		ZW		ZX		ZY		ZZ		AA		AB		AC		AD		AE		AF		AG		AH		AI		AJ		AK		AL		AM		AN		AO		AP		AQ		AR		AS		AT		AU		AV		AW		AX		AY		AZ		BA		BB		BC		BD		BE		BF		BG		BH		BI		BJ		BK		BL		BM		BN		BO		BP		BQ		BR		BS		BT		BU		BV		BW		BX		BY		BZ		CA		CB		CC		CD		CE		CF		CG		CH		CI		CJ		CK		CL		CM		CN		CO		CP		CQ		CR		CS		CT		CU		CV		CW		CX		CY		CZ		DA		DB		DC		DD		DE		DF		DG		DH		DI		DJ		DK		DL		DM		DN		DO		DP		DQ		DR		DS		DT		DU		DV		DW		DX		DY		DZ		EA		EB		EC		ED		EE		EF		EG		EH		EI		EJ		EK		EL		EM		EN		EO		EP		EQ		ER		ES		ET		EU		EV		EW		EX		EY		EZ		FA		FB		FC		FD		FE		FF		FG		FH		FI		FJ		FK		FL		FM		FN		FO		FP		FQ		FR		FS		FT		FU		FV		FW		FX		FY		FZ		GA		GB		GC		GD		GE		GF		GG		GH		GI		GJ		GK		GL		GM		GN		GO		GP		GQ		GR		GS		GT		GU		GV		GW		GX		GY		GZ		HA		HB		HC		HD		HE		HF		HG		HH		HI		HJ		HK		HL		HM		HN		HO		HP		HQ		HR		HS		HT		HU		HV		HW		HX		HY		HZ		IA		IB		IC		ID		IE		IF		IG		IH		II		IJ		IK		IL		IM		IN		IO		IP		IQ		IR		IS		IT		IU		IV		IW		IX		IY		IZ		JA		JB		JC		JD		JE		JF		JG		JH		JI		IJJ		JK		KL		KM		KN		KO		KP		KQ		KR		KS		KT		KU		KV		KW		KX		KY		KZ		LA		LB		LC		LD		LE		LF		LG		LH		LI		LJ		LK		LM		LN		LO		LP		LQ		LR		LS		LT		LU		LV		LW		LX		LY		LZ		MA		MB		MC		MD		ME		MF		MG		MH		MI		MJ		MK		ML		MM		MN		MO		MP		MQ		MR		MS		MT		MU		MV		MW		MX		MY		MZ		NA		NB		NC		ND		NE		NF		NG		NH		NI		NJ		NK		NL		NM		NN		NO		NP		NQ		NR		NS		NT		NU		NV		NW		NX		NY		NZ		OA		OB		OC		OD		OE		OF		OG		OH		OI		OJ		OK		OL		OM		ON		OO		OP		OQ		OR		OS		OT		OU		OV		OW		OX		OY		OZ		PA		PB		PC		PD		PE		PF		PG		PH		PI		PJ		PK		PL		PM		PN		PO		PP		PQ		PR		PS		PT		PU		PV		PW		PX		PY		PZ		QA		QB		QC		QD		QE		QF		QG		QH		QI		QJ		QK		QL		QM		QN		QO		QP		QQ		QR		QS		QT		QU		QV		QW		QX		QY		QZ		RA		RB		RC		RD		RE		RF		RG		RH		RI		RJ		RK		RL		RM		RN		RO		RP		RQ		RR		RS		RT		RU		RV		RW		RX		RY		RZ		SA		SB		SC		SD		SE		SF		SG		SH		SI		SJ		SK		SL		SM		SN		SO		SP		SQ		SR		SS		ST		SU		SV		SW		SX		SY		SZ		TA		TB		TC		TD		TE		TF		TG		TH		TI		TJ		TK		TL		TM		TN		TO		TP		TQ		TR		TS		TT		TU		TV		TW		TX		TY		TZ		UA		UB		UC		UD		UE		UF		UG		UH		UI		UJ		UK		UL		UM		UN		UO		UP		UQ		UR		US		UT		UU		UV		UW		UX		UY		UZ		VA		VB		VC		VD		VE		VF		VG		VH		VI		VJ		VK		VL		VM		VN		VO		VP		VQ		VR		VS		VT		VU		VV		VW		VX		VY		VZ		WA		WB		WC		WD		WE		WF		WG		WH		WI		WJ		WK		WL		WM		WN		WO		WP		WQ		WR		WS		WT		WU		WV		WW		WX		WY		WZ		XA		XB		XC		XD		XE		XF		YG		YH		YI		YJ		YK		YL		YM		YN		YO		YP		YQ		YR		YS		YT		YU		YV		YW		YX		YY		YZ		ZA		ZB		ZC		ZD		ZE		ZF		ZG		ZH		ZI		ZJ		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Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimates		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 1 Full-time permanent	20,904	\$946,304	21,198	\$1,001,374	21,828	\$1,061,374	630	\$59,924
11 3 Other than full-time permanent	130	3,599	150	2,903	150	2,903		
11 5 Other personnel compensation	2,219	165,013	2,471	166,416	2,526	173,874	55	7,458
Total	21,253	1,114,916	23,819	1,170,769	24,504	1,238,151	685	67,382
Reimbursable Workyears								
Full-time permanent	12,491		(2,781)		(2,781)			
Other than permanent	(209)		(240)		(240)			
12 Personnel benefits	263,359		305,048		317,406		12,358	
13 Benefits to former personnel	405		368		368			
21 Travel and transportation of persons	36,246		33,310		33,218		(92)	
22 Transportation of things	6,144		9,021		7,888		(1,133)	
23 1 GSA rent	139,735		160,919		176,303		15,384	
23 2 Rental payments to others	22,364		19,133		19,198		65	
23 3 Communications, utilities and miscellaneous charges	57,075		65,588		65,126		(462)	
24 Printing and reproduction	2,086		2,493		2,493			
25 1 Advisory and assistance services	698		2,556		3,156		600	
25 2 Other services	232,704		174,215		149,383		(24,832)	
26 Supplies and materials	43,870		43,769		42,292		(1,477)	
31 Equipment	224,957		303,073		289,948		(13,125)	
32 Land and structures	13,186		18,200		6,159		(12,041)	
42 Insurance claims and indemnities	1,121		506		70			
91 Unvouchered	23,253	2,158,866	23,819	2,309,038	24,504	2,351,665	685	42,627
Total obligations								

Federal Bureau of Investigation Reimbursable Resources Summary of Requirements (Dollars in thousands)											
Collection by Source	Pos	1994 Actual		Pos	1995 Estimate		Pos	1996 Request		Increase/Decrease	
		WY	Amount		WY	Amount		WY	Amount	Pos	WY Amount
Organized Crime Drug Enforcement	1,155	1,155	\$110,764	1,073	1,073	\$109,402	1,073	1,073	\$109,788	...	\$3,386
Assets Forfeiture Fund	...	...	...	...	...	...	...	...	...	...	...
Identification User Fee (Non-Federal)	633	447	23,443	633	449	25,449	633	419	25,858	...	\$207
Drug Enforcement	150	130	15,686	230	230	22,077	230	230	22,077	...	\$27
Home Check Program	645	619	32,833	746	746	29,090	746	740	29,327	...	\$84
Background Investigations	349	107	7,859	402	233	7,889	402	233	7,853	...	\$36
Loan of Personnel	45	31	5,464	45	45	3,125	45	45	3,125	...	...
All Other	5	2	106,626	5	5	94,960	5	5	60,870	...	(\$33,990)
Budgetary Resources	2,962	2,491	\$332,124	3,134	2,761	\$307,272	3,134	2,761	\$277,202	...	(\$30,070)

Federal Bureau of Investigation
Fingerprints and Impressions
FBI Form 100-100-100-100

Federal Bureau of Investigation, the FBI for processing fingerprint cards has increased from the initial level of \$17.00 in 1990 to \$18.00 in 1994. Federal agencies are not assessed the special one-time charge for submission support. Also, beginning in 1995, Federal agencies submitting fingerprint cards accompanied by descriptive data on machine readable data (MRD) tape have been allowed to retain \$1.00 of the payment for offset handling costs. MRD name searches are also accepted. The FBI charges \$2.00 for each response from an automated and manual system, with a \$4.00 charge for any MRD name search followed by a fingerprint card to be returned by the FBI. The FBI for a name check submitted manually on paper is \$6.00. A MRD name search followed by a fingerprint card for verification purposes is \$8.00. The other fees include:

Fee Schedule - Criminal Justice Service Program

Fingerprint card processing fee (Non-Federal)	\$18.00
Special one-time charge (Non-Federal)	6.00
Fingerprint card processing fee (Federal)	18.00
Identification records name search	2.00
Identification records name search	2.00
Name search with fingerprint card	4.00
Name search submitted on paper	6.00
Name search with fingerprint card for verification	8.00

Department of Justice
Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Estimates for Fiscal Year 1996

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Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Summary Statement
Fiscal Year (FY) 1996

The Violent Crime Control and Law Enforcement Act of 1994 established and authorized the Violent Crime Reduction Trust Fund (VCRTF). The President's FY 1996 budget proposes a VCRTF allocation totaling \$46,500,000 to finance various programs and activities of the FBI. This amount includes \$1,219,000 in base transfers from the FBI's Salaries and Expenses appropriation and \$45,281,000 in program increases. These programs and activities will allow the FBI to apply the latest technological developments and advancements to law enforcement capabilities that will benefit the entire federal, state, and local law enforcement and criminal justice communities.

Technical Field Support and Services

Digital Telephony Development

Investigators and prosecutors have long recognized the value of evidence obtained through the use of court-approved wiretaps and electronic surveillance, such as pen registers and trap/trace. Time and again, these investigative techniques have provided the evidence that links suspects to criminal acts, especially in organized crime and drug trafficking cases where higher echelon criminals use intermediaries and other means to insulate themselves from being directly connected with criminal enterprises under their control. Oftentimes, recorded conversations provide irrefutable evidence in court and serve as the foundation for removing criminals from the streets.

The emergence and widespread implementation of various digital telecommunications technologies, however, are posing a serious threat to the existing wiretap and electronic surveillance capabilities of the FBI and other law enforcement agencies. To address this serious problem, the FBI developed a two-pronged strategy. First, due to the incompatibility of existing analog-based equipment with digital technologies, it is necessary to develop a new generation of electronic surveillance techniques and equipment that will allow law enforcement to maintain its wiretap and electronic surveillance capabilities in a digital telecommunications environment. Second, enactment of the Communications Assistance for Law Enforcement Act of 1994 was secured during the 103rd Congress. This Act, signed into law by President Clinton on October 25, 1994, established a telecommunications carrier's duty to cooperate in the interception of communications for law enforcement purposes.

For FY 1996, the President's budget proposes a VCRTF allocation of \$33,400,000 to the FBI to support various digital telephony development projects and acquisition of deployable equipment to perform court-approved wiretaps and electronic surveillance. These development projects address the full-range of emerging digital telecommunications technology, such as cordless and cellular telephones and pagers, personal communications networks, and intelligent networks. Additionally, under a separate appropriations account, the President is proposing funding to reimburse telecommunications carriers for their reasonable costs of complying with the Communications Assistance for Law Enforcement Act of 1994.

Federal Wireless Communications

The National Telecommunications and Information Administration (NTIA) has issued a rule change that requires all federal wireless systems to achieve a two to one spectrum efficiency improvement between 1995 and 2005. This would be accomplished by reducing the bandwidth of radio channels from 25 kilohertz (kHz) to 12.5 kHz. Additionally, National Performance Review (NPR) Initiative Information Technology (IT) 04 proposes the establishment of a national wireless network to support the federal law enforcement, public safety, and disaster response communities. Eventually, this initiative would lead to the development of a single wireless infrastructure that supports all federal, state, and local law enforcement, public safety, and disaster response needs.

For FY 1996, the President's VCRTF allocation proposes 4 positions (2 FTE) and \$2,500,000 for the FBI for wireless communications activities in support of Department of Justice agencies. These resources will be used to document and analyze requirements and deploy and assess prototype wireless communications technology that uses various access technologies and spectrum allocations. The federal wireless initiative is planned as a five-year development effort.

Department of Justice law enforcement agencies have established the Justice Wireless Group to work under the auspices of the Attorney General and Office of Investigative Agency Policies (OIAP) to provide a coordinated and comprehensive response to this NPR IT Initiative. This working group also represents the Department within the Federal Law Enforcement Wireless Users Group, which has been recognized by the NPR as the lead government-wide organization to undertake this effort. The President's budget also proposes a like amount within the VCRTF under the Department of the Treasury for complementary efforts in support of the United States Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and United States Customs Service.

Forensic Services

Forensic Deoxyribonucleic Acid (DNA) Analysis

The Violent Crime Control and Law Enforcement Act of 1994 included under Title XXI, Subtitle C, the DNA Identification Act of 1994. Among the provisions of the Act are: (1) Section 210301, which directs the Director, FBI, to establish and publish quality assurance and proficiency testing standards to be used for various types of DNA analyses performed by forensic laboratories; (2) Section 210304, which allows the Director, FBI, to establish an index to facilitate law enforcement exchange of DNA identification information; and, (3) Section 210305, which establishes DNA proficiency testing requirements for FBI personnel who perform DNA analyses.

Section 210306 authorizes to be appropriated to the FBI funds to carry out sections 210303, 210304, and 210305. For FY 1996, the President's VCRTF allocation proposes a total of \$4,600,000 to support the establishment and publication of quality assurance and proficiency testing standards, to continue the development of the Combined DNA Index System (CODIS), which serves as the national DNA database for linking serial violent crimes and a repository for DNA identification information, and to perform forensic examinations of DNA evidence.

Training, Recruiting, and Applicant

Training and Investigative Assistance

Section 210501(b) of the Violent Crime Control and Law Enforcement Act of 1994 directs the Attorney General to expand and improve investigative and managerial training courses for state, Indian tribal, and local law enforcement agencies and to develop and implement a pilot intelligent information system that gathers, integrates, organizes, and analyzes information in support of investigations by federal, state, and local law enforcement agencies of violent serial crimes.

For FY 1996, the President's VCRTF allocation proposes \$4,000,000 for training and investigative assistance, as authorized by Section 210501(c)(2). Of this funding, \$1,125,000 would be used to expand training provided to Bureau of Indian Affairs (BIA) and Indian tribal police. The training curriculum would encompass such areas as: case management, crime scene processing, preservation of evidence, report writing, moot court, homicide investigations, sex crimes and sexual abuse investigations, pornography, federal legal procedures, and Indian law and administrative matters. Through this training

initiative, the FBI hopes to facilitate more uniformity across law enforcement services provided to the Indian people, more timely and thorough investigations that lead to successful prosecutions, and a greater sense of safety among reservation communities. This training will also foster a stronger working relationship between the FBI, BIA, and Indian tribal police during investigations of crimes committed in Indian country.

The remaining \$2,875,000 would be used to develop appropriate curricula, contract assistance for instructors, and a survey of state and local law enforcement to determine training demands. The FBI would also expand its delivery of investigative and managerial training through the use of satellite telecasting, CD-ROM based multi-media, and related educational technologies. Through the use of these media, the FBI would be able to reach and accommodate a wider audience through long-distance learning alternatives. Funding would also be used to initiate the development of a pilot intelligence information system in support of FBI, state, and local law enforcement investigations of violent serial crimes.

FBI Academy Capital Improvements

Section 210501(b) of the Violent Crime Control and Law Enforcement Act of 1994 also provides for the improvement of the training facilities of the FBI Academy at Quantico, Virginia. In FY 1994, the FBI trained 1,040 state and local law enforcement officers through the National Academy program offered through the FBI Academy. State and local law enforcement officers also attended in-service, executive management, and various other training courses offered at the FBI Academy.

For FY 1996, \$2,000,000 is proposed for capital improvements at the FBI Academy, as authorized by Section 210501(c)(3). This funding, consisting of \$769,000 in base funds and \$1,231,000 in program increases, would be used to improve and upgrade firearms range facilities and capabilities. FBI firearms ranges are used by state and local law enforcement officers attending the National Academy, in-service and executive management seminars, and other training courses offered at the FBI Academy. These upgrades would also benefit FBI and Drug Enforcement Administration (DEA) New Agent Training programs and the FBI's Critical Incident Response Group (CIRG).

**Federal Bureau of Investigation
Violent Crime Reduction Programs
Justification of Proposed Changes in Appropriation Language**

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Programs

For activities authorized by Public Law 103-322, \$46,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which \$33,400,000 shall be for activities authorized by section 19001(c) of the Act, \$2,500,000 for activities authorized by section 19001(b) \$4,000,000 for training and investigative assistance authorized by section 210301(c)(2), \$2,000,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 210301(c)(3), and \$4,600,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210305.

**Federal Bureau of Investigation
Violent Crime Trust Fund
Statement of Revenues
(Dollars in Thousands)**

Adjustments to base:	1988 Availability		1988 Base		1988 Estimate		1988 Reconciliation	
	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount
1988 Availability.....								
Transfer to Violent Crime Reduction Trust Fund:								
DNA Supplies, Materials.....								
Automation of FBI Academy.....								
Capital Improvements of FBI Academy.....								
1988 Base.....								

Estimates by budget activity	1988 Availability		1988 Base		1988 Estimate		1988 Reconciliation	
	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount	Perm. Pos.	NYL Amount
1. Criminal, Security, and Other Investigations.....								
2. Law Enforcement Support.....								
3. Program Direction.....								
Total.....								

Federal Bureau of Investigation
Violent Crime Unit and
Summary of Resources by Program
(Dollars in thousands)

	1991 as Limited			1991 Actuals			1991 Appropriation			1991 Base			1991 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Examiners by Program																		
Criminal, Security, and																		
Other Investigations:																		
Organized Criminal Enterprises																		
White Collar Crime/Aggravated																		
White Collar Crime																		
Other Field Program																		
Subtotal																		
Law Enforcement Support:																		
Training																		
Training, Recruitment, and Applicant																		
Investigative Services																		
ADP & Telecommunications																		
Information Management, Automation,																		
and Telecommunications																		
Technical Field Support & Services																		
Criminal Justice Services																		
Subtotal																		
Program Direction																		
Management and Administration																		
TOTAL																		

* FY 1991 and 1992 estimates figures do not include the 500 temporary support positions for CJWV as Virginia is added in the 1991 Emergency Supplemental.

Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity:	1995 Appropriation			1995 Base			1996 Estimate			Increase/Decrease		
	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount
Law Enforcement Support
Training, Rec., Applicant
Forensic Services
Technical Field Support and Services
Total

Law enforcement support for FBI program is provided through training, forensic laboratory examinations and research, and technical field support and equipment supply.

Activity:	1995 Appropriation			1995 Base			1996 Estimate			Increase/Decrease		
	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount	Per.	NY	Amount
Training, Recruitment, and Applicant

LONG-RANGE GOAL: To develop and improve the investigative and managerial capabilities of state, local and Tribal law enforcement personnel by developing and conducting training courses and seminars, upgrading existing facilities at the FBI Academy, recruiting and deploying cost-effective distance learning and other educational technologies, and developing an intelligent information system for serial violent crimes.

MAJOR OBJECTIVES:

To expand and improve investigative and managerial training courses for state, Indian tribal, and local law enforcement agencies.

To develop and implement an intelligent information system to support investigations by federal, state, and local law enforcement agencies of violent serial crimes.

To upgrade and improve the training facilities of the FBI Academy to complement investigative and managerial training courses provided for students from the FBI, other federal, state, Indian tribal, local law enforcement agencies.

BASE PROGRAM DESCRIPTION: The Violent Crime Control and Law Enforcement Act of 1994 established and authorized the Violent Crime Reduction Trust Fund (VCRTF). The President's FY 1996 budget proposes a VCRTF allocation totaling \$6,000,000 to finance training programs and activities within the Training, Recruitment, and Applicant program. This funding level includes base level resources totaling \$769,000 that are proposed for transfer from the FBI's Salaries and Expenses appropriation. Base level funding consists of \$167,000 for automation and \$602,000 for capital improvements and equipment in support of the FBI Academy at Quantico, Virginia.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and performance measures for the Training, Recruitment, and Applicant program are presented in the following table. Data for workload charts which refer to students are presented in two ways: (1) the number of students and (2) student training days (STDs), which is the number of students in the course multiplied by the number of training days in the course.

Workload	1993	1994	1995	Estimated	1996
Training Program					
1. Bureau of Indian Affairs and Indian Tribal Police officers trained					
a. Actual	1,500
b. Demand	1,500
c. Percent Demand Met	100%

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Posl.	Perm.	Posl.	Perm.	Posl.
Training, Recruitment, and Applicant
		\$769		\$6,000		\$5,231

Program changes totaling \$5,231,000 include \$4,000,000 to expand and improve investigative and managerial training courses for state, Indian Tribal, and local law enforcement officers and \$1,231,000 for capital improvements at the FBI Academy, Quantico, Virginia.

PROGRAM INCREASES:

Training and Investigative Assistance. Section 210501(b) of the Violent Crime Control and Law Enforcement Act of 1994 directs the Attorney General to expand and improve investigative and managerial training courses for state, Indian Tribal, and local law enforcement agencies and to develop and implement a pilot intelligent information system that gathers, integrates, organizes, and analyzes information in support of investigations by federal, state, and local law enforcement of violent serial crimes. For FY 1996, \$4,000,000 from the VCCR is proposed for these activities, as authorized by Section 210501(c)(2).

An initiative is proposed to expand training for Bureau of Indian Affairs (BIA) and Indian Tribal police officers to facilitate the working relationship between these investigators and officers and the FBI for crimes committed on Indian reservations. Currently, the FBI provides training to BIA investigators and Tribal police officers on an ad hoc basis. Under this initiative, the FBI would develop and carry out a formal training curriculum of basic classroom instruction for Indian country law enforcement personnel. The training curriculum would encompass such areas as: case management, crime scene processing, preservation of evidence, report writing, moot court exercises, homicide investigations, sex crime investigations, pornography, federal legal procedures, and Indian law and administrative matters. For FY 1996, \$1,125,000 is proposed for the training of Indian country law enforcement.

The benefits that would result from this training initiative, which would reach approximately 1,500 BIA investigators and Tribal police officers annually, include: more uniformity of law enforcement services provided on reservations, more timely and thorough investigations that lead to successful prosecutions, the instilling of a greater sense of confidence in the abilities and professionalism of Tribal police agencies, and the creation of safer communities on Indian reservations.

The remaining \$2,875,000 would be used to develop appropriate curriculum, acquire contract assistance for instructors at the FBI Academy and in field offices, and to survey state and local law enforcement to determine training demands. The FBI would also assess and expand the delivery of investigative and managerial training through the use of satellite telecasting, CD-ROM based multi-media, and related educational technologies. Through the application of these media and technologies, the FBI would be able to reach and accommodate a wider audience through cost-effective distance learning alternatives. Additionally, funding would be used to initiate development of a pilot intelligence information system that would allow the FBI and state and local law enforcement to gather, integrate, organize, and analyze information relating to violent serial crimes.

FBI Academy Capital Improvements. Section 210501(b) of the Violent Crime Control and Law Enforcement Act of 1994 also provides for the improvement of the training facilities of the FBI Academy at Quantico, Virginia. The FBI Academy

provides a wide range of training support for state and local law enforcement through the FBI National Academy program, etc. During FY 1994, 1,040 state and local law enforcement officers attended the FBI National Academy.

For FY 1996, \$2,000,000 is proposed for capital improvements at the FBI Academy, consisting of \$769,000 in base funding and \$1,231,000 in enhanced funding. This funding would be used for FBI Academy judgmental firearms range upgrades (steel targets and pop up target system with position cover), ammunition storage, and other improvements. FBI range facilities are used by state and local law enforcement officers attending the National Academy, in-service and executive management seminars, and other training courses offered at the FBI Academy. These upgrades would also benefit FBI and Drug Enforcement Administration New Agent Training classes and the FBI's Critical Incident Response Group.

1995 Appropriation Anticipated	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Forensic Services	\$4,150
	...	\$450	...	\$4,600	...	...

LONG RANGE GOAL: To support the Federal criminal justice system, by developing DNA analysis techniques; to use these techniques to perform DNA testing on physical evidence submitted in connection with violent crime investigations; to develop an automated data base of DNA patterns from evidence and/or individuals for examination and comparison; and to work with other laboratories to exchange information on DNA testing methods, to share protocols, to encourage consensus on standards, and to ensure use of quality assurance and proficiency testing programs.

MAJOR OBJECTIVES:

To increase the number of State and local laboratories participating in the FBI's Combined DNA Index System (CODIS), a national DNA database, and to develop and administer quality assurance standards for the FBI, other federal, state, and local forensic laboratories, as required by the Violent Crime Control and Law Enforcement Act of 1994.

BASE PROGRAM DESCRIPTION:

The Violent Crime Control and Law Enforcement Act of 1994 established and authorized the Violent Crime Reduction Trust Fund (VCRF). The President's FY 1996 budget proposes a VCRF allocation totaling \$4,600,000, consisting of \$450,000 in base level funds and a program increase of \$4,150,000, to establish DNA quality assurance and proficiency testing standards, as well as establishing an index to facilitate law enforcement exchange of DNA identification information.

DNA testing is provided free of charge to any law enforcement agency in the U.S., including travel for examiners to testify in court. From 1991 to 1993, DNA cases submitted to the FBI Laboratory increased by 53 percent. From 1994 to

1996, it is projected that DNA cases submitted will increase by another 91 percent. This large increase is due largely to the introduction of new DNA testing techniques. These techniques, which will be brought on-line by the end of FY 1995, will permit testing on much smaller quantities of DNA, as well as new tissues (e.g., bone, teeth, hair, and skin). Due to these new techniques, more cases would be addressed than ever before, and the demand for such new testing information will increase significantly. The forensic science and law enforcement communities are already aware of these new DNA technologies being brought on-line and are preparing to avail themselves of this service. Additionally, the O.J. Simpson case's focus on DNA evidence has raised the awareness level of the value of DNA in confirming leads for investigations and prosecutions. These two factors will undoubtedly generate large increases in the demand for FBI Laboratory-provided DNA services. The FBI Laboratory conducts more forensic DNA analysis cases each year than all other crime laboratories combined in the U.S. Approximately 90 percent of the FBI's DNA casework is submitted by State and local crime laboratories lacking DNA testing facilities. Two-thirds of the FBI's DNA examinations are from rape cases.

The FBI Laboratory's Research and Training Center at Quantico, Virginia, conducts the largest forensic DNA research program in the world. Through publication of its research findings and hosting of scientific conferences and symposia, the FBI Laboratory is recognized as a world class leader in DNA technology. During 1993 and 1994, DNA research efforts were directed at developing faster, more accurate means for DNA testing, and the use of mitochondrial DNA (mtDNA) which allows DNA testing on non-nucleated cells by extracting DNA from mitochondria.

ACCOMPLISHMENTS AND WORKLOAD:

Accomplishments and Workload: Accomplishments and workload of the DNA Program are presented in the following table:

DNA Program	Estimates		
	1993	1994	1995
Requests	4,453	5,500	6,000
Specimens	19,347	24,500	30,000
Examinations	52,229	64,500	80,000
Research Workyears	9	10	10
Student Training Days	2,850	3,000	3,600
CODIS*			
Convicted Offender Records	na	na	47,000
Forensic DNA Records	na	na	31,000
Convicted Offender Comparisons	na	na	90,000
Participating Labs**	14	18	50
CODIS Hits	11	20	50
CODIS-Aided Investigations	33	45	90
Stand-Alone Matching Software			
Deployed (No. of Labs) **	na	25	35

* National file only. Scheduled to be operational in FY 1995.
 ** In 1994, there are 25 non-pilot labs that have stand-alone matching software. This software is included in the full CODIS software capability which the pilot labs have. In 1995 and 1996, several of the labs now having only stand-alone matching software will receive full software capabilities. Thus, the number of participating labs will increase and will become larger than the number of stand-alone matching software deployed.

PROGRAM CHANGES:

	<u>1996 Base</u>		<u>1996 Estimate</u>		<u>Increase/Decrease</u>	
	Perm.	Posl.	Perm.	Posl.	Perm.	Posl.
		NY		NY		NY
		Amount		Amount		Amount
Forensic Services..	...	\$450	...	\$4,600	...	\$4,150

PROGRAM INCREASES:

Forensic DNA Analysis Program. The Violent Crime Control and Law Enforcement Act of 1994 included under Title XXI, Subtitle C, the DNA Identification Act of 1994. Sections 210303-210305 direct the FBI to establish quality assurance and proficiency testing standards to be used for various types of DNA analyses and to establish an index to facilitate the exchange of DNA identification among law enforcement forensic laboratories. Section 210306 authorizes funding from the VCRTF for 1996 to carry out Sections 210303-210305. Of the request, \$3,450,000 is for the combined DNA Index System (CODIS) contract services; \$200,000 is for equipment, specifically CODIS hardware upgrades; and \$950,000 is for casework and research supplies.

During 1994, as the Congress began to focus on a means to combat ongoing crime and prevent future violent criminal activities, DNA analysis was recognized as a major investigative aid. Consequently, when Congress passed the Crime Bill, DNA was included with funding authorizations. DNA analysis is an essential tool in combating violent crime. However, the law enforcement community collectively must establish CODIS in order to benefit from the DNA technology. Just as the nation worked together to assemble the fingerprint data base in 1924, Congress has recognized the need to establish data bases in order to identify perpetrators of violent crime on society.

DNA casework and research are highly complex and costly forensic laboratory initiatives. The various chemicals, probes, and supplies used are quite expensive, and they are consumed in large quantities. In 1993, the FBI Laboratory spent approximately \$960,000 for DNA casework and research supplies. Base funding of \$450,000 from the FBI's salaries and expenses account for DNA supplies was transferred to the Violent Crime Reduction Trust fund request. The total request for DNA supplies is \$950,000, which would enable the FBI to purchase the necessary supplies to handle and process the projected increase in forensic submissions for DNA analysis.

CODIS is being developed by the FBI to function as a national DNA database system containing indexes of DNA profiles from convicted offenders and unsolved crime scenes. A missing persons index is also being developed. CODIS permits

state and local law enforcement crime laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes (especially rapes) to each other, and identifying suspects by matching DNA from crime scenes to convicted sex offenders. Since 1990, the FBI has worked with 13 state and local crime laboratories to develop and install the pilot CODIS system.

Funding totaling \$3,450,000 is requested to acquire contractor services for the development of CODIS, and for expanded technical assistance and user support. All previous funding for CODIS R&D, above the previous base level, has come from FBI reallocations, Assets Forfeiture Fund Surplus, and Department of Justice Working Capital funds. This request would allow the FBI to take CODIS nation-wide (at least 30 to 40 more laboratories) by the end of 1996 and to expand the current contractor staff of 18 scientists and computer specialists to 30. These contractors would conduct advanced research to allow the integration into CODIS of newer, more powerful DNA typing techniques (software must be developed to adapt the CODIS system to accept the new algorithms required for the new techniques).

The FBI's DNA Program directly supports the Administration's crime fighting efforts by generating leads to provide state and local police the powerful weapon they need in the fight against violent crime, particularly rapes and homicides.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Para.	NY	Amount	Para.	NY	Amount	Para.	NY	Amount	Para.	NY	Amount
Technical Field Support	4	2	\$35,900	4	2	\$35,900
and Services.....

LONG-RANGE GOAL: To provide engineering services, technical support, and equipment to FBI field offices and conduct necessary research and development to adapt technology for deployment against criminal and terrorist activities.

MAJOR OBJECTIVES:

- To establish a national wireless network to support the federal law enforcement communications requirements.
 - To address the most critical shortfalls in technical investigative capabilities through the usage of digital telephony.
- BASE PROGRAM DESCRIPTION: The Violent Crime Control and Law Enforcement Act of 1994 established and authorized the Violent Crime Reduction Trust Fund (VCRTF). The President's FY 1996 budget proposes a VCRTF allocation totaling \$15,900,000 under the Technical Field Support and Services (TRSSS) Program to finance Advanced Telephony and Federal Wireless Communications initiatives. There is no base funding for these initiatives within the VCRTF.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments and workload of the TFSIS Program are presented in the following table:

Item	1993	1994	Estimates			
			1993	1994		
Telephony Intercept Program						
Pen Register Order	4,751	5,097	5,505	5,946		
Pen Register Lines Covered	6,794	7,013	7,574	8,180		
Title III Interceptions	400	420	450	450		
Title III Interception Lines	600	635	675	675		
PROGRAM CHANGES:						
Technical Field Support and Services.....						
1996 Base			1996 Estimate		Increase/Decrease	
	Per.		Per.		Per.	
	Pos.	NY	Pos.	NY	Pos.	NY
	4	2	4	2
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
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Under the VCRTF, the FBI is proposing funding for two initiatives addressing technological advancements that would be administered by the FBI, but would all benefit law enforcement agencies. These initiatives include \$33,400,000 in nonpersonnel funding for Advanced Telephony and four support positions (two workyears) and \$451,000 in personnel funding and \$2,049,000 in nonpersonnel funding for Federal Wireless Communications.

Advanced Telephony. Total nonpersonnel funding of \$33,400,000 is requested for continued advanced telephony development projects and acquisition of systems. The telecommunications industry remained virtually unchanged for approximately 50 years. For the most part, the services offered were wireline analog voice. However, the 1980s witnessed the emergence of cordless telephones, cellular telephones, the proliferation of facsimile machines, and the promise of high speed transmission of video, voice, and data. The driving factors in these changes are twofold. First, the presence of computers and related digital technology has caused a transition to the information age and a need for timely and voluminous exchanges of information. This need is satisfied by the instant access to voice information and increasing emphasis on computer prepared alphanumeric and image information.

A second factor in the emergence of new telecommunications services is the increased need for mobility evidenced by the popularity of cordless (16 million) and cellular phones (17 million) and paging devices (19.2 million). Industry estimates project that by 1996, 50 million cordless phones, 20 million cellular telephones, and 25 million pagers would be in use. These developments are the driving forces responsible for the emergence in the 1990s of advanced telecommunications technologies, including Integrated Services Digital Network (ISDN), advanced cellular, and personal

communications networks (PCN) and enhanced services and features as a result of intelligent networks. The impact that this technology is having and would continue to have on law enforcement cannot be overstated. This technology is exploding; the industry is fiercely competitive, and new products and services are being introduced continuously. These products represent fundamental changes in the way people and businesses communicate, and they pose unprecedented challenges to the FBI and the entire law enforcement community.

The equipment requested represents the "implementation" or purchase of interception devices production equipment and systems developed or identified which must be available to the FBI if it is to maintain Title III capabilities. Meanwhile, as the telecommunications industry continues to advance with new products and services, law enforcement must continue an aggressive development effort to keep pace with this technology. A chart summarizing the Advanced Telephony request by category follows.

Categories	Funding in \$000s
Legislative Compliance and Telecommunications Studies - Development	\$3,100
Wireless Networks - Development and Implementation	4,000
Wireline Networks - Development and Implementation	8,800
Central Monitoring Plant - Implementation	4,000
Private Branch Exchange - Development	4,000
Decryption - Development	4,000
Data Link - Development	5,500
Total Advanced Telephony	\$33,400

Legislative Compliance Support/Telecommunications Studies. The Communications Assistance for Law Enforcement Act of 1994 (P.L. 103-414) requires common carriers to assist law enforcement agencies in conducting lawful wire and electronic communications intercepts and pen registers. This legislation clearly defines the responsibilities of common carriers to provide assistance. These responsibilities require common carriers, in many instances, to modify their existing systems to provide law enforcement agencies with appropriate access. Additional provisions of the legislation require that the Attorney General provide common carriers with capacity and priority requirements as well as reimburse common carriers for the reasonable costs associated with such modifications.

To effectively carry out the activities required by the Act, the FBI is requesting \$3,100,000 in nonpersonnel funding, consisting of \$2,200,000 to carry out engineering activities and acquire contract services in support of compliance initiatives, and \$900,000 to fund a telecommunications studies and support contract. This contract would allow the FBI to obtain subject matter expertise in specific telecommunications technology areas in order to establish and maintain an ability to: 1) develop technical interface systems which are consistent with industry-developed electronic intercept solutions; and 2) develop electronic intercept solutions for technologies which are beyond the scope of the "digital telephony" legislation.

Wireless Networks-Development. Cellular telephones were introduced in the United States in 1983. The number of subscribers is expected to increase to 33 million in 1998 from the current 17 million. The number of operational cellular systems in the United States has grown from 12 in 1984 to more than 1,500 today. Advances in cellular include the use of digital cellular and the presence of a "seamless" network. Digital cellular technology would allow for more subscribers and would preclude the interception of the radio frequency (RF) portion of the communication by existing RF intercept methods. The emerging cellular seamless network would allow transparent initiation and reception of telephone calls anywhere in the United States. Personnel Communications Services, assuming an initial deployment in 1995, are expected to serve 8.5 million subscribers during the first three years of service. As cellular and other wireless technologies advance, law enforcement must maintain its ability to provide technical support. Efforts must be initiated now to ensure needed solutions are developed and the capability is maintained, necessitating a request for \$4,000,000 in nonpersonnel funding for Wireless development.

Wireline Networks-Development and Implementation. Digital telephony provides for more reliable communications, faster transmission speeds, higher information throughput, and a seemingly infinite number of features and services. The ISDN is the platform for developing an all-digital network capable of simultaneously transmitting voice, data, and video. Ameritech, Bell Atlantic, and Pacific Bell are the most aggressive Regional Bell Operating Companies (RBOCs) when it comes to ISDN service deployment. Sixty-two percent of the computers sold in 1993 contained modems, as compared to 39 percent in 1991. Approximately 75 percent of the 7.3 million portable computers projected to be shipped in 1995 will contain modems. The ISDN Customer Premise Equipment market is projected to grow annually by about 26 percent in terms of units through 1997. In addition to ISDN, fiber optic technology is becoming the transmission medium of choice. Fiber has a much greater capacity, is smaller in size, and more secure than copper transmission lines, and it continues to decrease in cost as technology advances. The requested nonpersonnel funding of \$6,000,000 would continue Wireline development efforts.

The FBI's current use of analog open reel tape recorders for the current generation of court recordings would not support pending collection of digital telecommunications. The Digital Collection and Processing Recording Systems (DCPRS) provide additional enhancement by offering a digital collection capability with better signal fidelity and dramatically improved signal stability for signal processing. Enhanced nonpersonnel funding of \$2,000,000 would allow the acquisition of 150 DCPRS.

Funding totaling \$800,000 would allow the acquisition of 69 new technology dialed number recorders (DNRs) for the FBI. The DNR project has seen a 12 percent increase per year in usage over the last several years. Approximately 90 percent of the 1,440 DNRs currently deployed to the field are not upgradeable to capture new telecommunications technology features (e.g., caller ID, call forwarding, auto recall ID, etc) and must be replaced with digital compatible equipment.

Private Branch Exchange Development. A nonpersonnel enhancement of \$4,000,000 in development funding is requested for the Private Branch Exchange (PBX) Program. The application of digital technology to Private Branch Exchange (PBX) design has produced a variety of complex signaling and proprietary transmission methods. PBXs are not covered under the Digital Telephony Legislation, and funding is required in order to maintain a reactive capability to conduct

electronic surveillance activities within these systems. Due to the short time constraints involved in providing this operational support, it is necessary to have devices "on the shelf" and ready for deployment.

Decryption Development. Nonpersonnel funding totaling \$4,000,000 is requested for the decryption development program. Law enforcement's efforts and successes are being threatened by the growth of commercial cryptography. Today, approximately 500 different encryption schemes are offered to public, commercial, and government customers. These cryptographic systems provide protection for conventional and cellular telephone, facsimile, data, and radio communication systems. Although the capability of encryption has been commercially available for years, its cost, degradation of voice quality, and user "unfriendliness" have previously made it unattractive to the general public. However, with the rapid movement of the telecommunications industry to an all-digital network, market projections indicate explosive growth in low cost, high quality, and readily available encryption devices for the general public. For example, in 1993, AT&T introduced their Telephone Security Device (TSD) model 3600, a relatively inexpensive (under \$1,000), and effective add-on to any commercial telephone instrument.

Data Line Development. The Data Line Program develops interception techniques to enable the capture of data on private networks in accordance with lawful intercept authority. Not only is technology changing, but the type of information sent through the network is changing as well. Projections indicate that, while voice traffic is only growing at a rate of three percent per year, data traffic is growing at a rate of 30 percent annually. Data communications are predicted to grow to 69 percent of the total traffic on private networks by 1995. Nonpersonnel funding of \$5,500,000 would support development efforts.

Central Monitoring Plant (CMP) Equipment. A nonpersonnel enhancement of \$4,000,000 is requested to purchase telecommunications equipment to replace obsolete CMP equipment and provide upgrades to existing systems in FBI field offices.

Federal Wireless Communications. Along with a National Telecommunications and Information Administration rule change mandating that all federal law enforcement agencies reduce their wireless spectrum by at least 50 percent, the National Performance Review (NPR) Initiative Information Technology (IT) 04 proposes establishing a national wireless network to support the federal law enforcement/public safety/disaster response community. The network would be available to state and local law enforcement/public safety/disaster response agencies for joint operation with federal agencies or as needed during times of natural disasters, civil unrest, or national emergency. Eventually, this would lead to a single wireless infrastructure that supports all federal, state, and local law enforcement/public safety disaster response needs. The NPR recognizes the Federal Law Enforcement Wireless Users Group (FLEWUG) as the lead organization to undertake this effort.

The NPR initiative provides the federal government an unprecedented opportunity to address how future wireless communications capabilities would be provided to this specific user community. Innovative in its approach, this initiative must overcome the historical reluctance in the federal community to the use of shared wireless communications. The FLEWUG, the first step in the process, brings together radio communications specialists

representing Treasury and Justice Department law enforcement agencies to address common wireless communications problems. The Secretary of the Treasury and the Attorney General have co-signed a memorandum of understanding to formalize the FLAWUG and to provide employees and resources as needed. Achieving the national wireless network outlined in IT04 is going to require a major effort to rethink and reengineer the wireless environment for law enforcement and public safety. The magnitude of the technical challenge of providing a shared network which maintains the autonomy, security, and non-interfering operations each agency demands is unprecedented.

Wireless communications industry executives and the NRP estimate that better systems planning and consolidated procurement, acquisitions, and installations could result in a 25 percent savings when compared to the cost of each federal agency building separate wireless systems.

In support of NRP IT04 and the FLAWUG, four support personnel (two years) and \$451,000 in personnel funding and \$2,049,000 in nonpersonnel funding are requested. Personnel would serve as the program management staff responsible for directing and coordinating research and development, technology assessment, prototype development, acquisition, installation, and on-site operational program testing of multiple types of law enforcement/public safety wireless communications systems.

Of the \$2,049,000 in nonpersonnel funding required, \$750,000 would be used to begin a radio spectrum analysis for developing plans and options to meet the various communications needs of the law enforcement/public safety community. These studies would identify the optimum portions of spectrum for voice, data, imagery, and other communications modes based on geography, system loading needs, and related parameters of land mobile radio system development. The analysis would be accomplished at separate locations to obtain a basis for national recommendations. The remaining nonpersonnel funding of \$1,299,000 would be used to perform case studies in two metropolitan/rural areas to provide detailed information on available land mobile resources, user requirements, and current systems capabilities. The information would be used to identify near term improvements that optimize existing resources to improve mission performance, and factors for long term planning for developing systems which conserve radio spectrum and reduce or contain system development costs. This funding would also be used to begin to test and evaluate advanced narrow band digital communications equipment.

The President's budget is also proposing a similar VCM77 allocation within the Department of Treasury to support VPA IT04 and FLAWUG efforts in support of the United States Secret Service, Bureau of Alcohol Tobacco, and Firearms, and the United States Customs Service.

[illegible]

Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Priority Ranking
Fiscal Year 1998

Program	Base Program	Ranking	Program	Program Changes Initiative	Rating
Training, Recruitment, and Applicant Forensic Services		1	TFSSS	Advanced Telephony	1
		2	TFSSS	Federal Wireless Communications	2
			Forensic Services	Deoxyribonucleic Acid (DNA)	3
			Training	State/Local Law Enforcement Training	4
			Training	Indian Tribal Training	4
				FBI Academy Capital Improvements	5

Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		Program Increases	1996		Total VCRTF
	Author- ized	Reim- bursable	Author- ized	Reim- bursable		Author- ized	Reim- bursable	
Criminal Investigative Series (1811)								
Fingerprint Identification (072)								
General Administrative and Clerical (300-399)								
Professional/Technical								
Total								
Washington								
U.S. Field								
Foreign Field								
Total								

Federal Bureau of Investigation
Violent Crime Reduction Trust Fund
Summary of Changes
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1995 Appropriation Enacted.....	..	..	..
Adjustments to base:			
Transfers to Violent Crime Reduction Trust Fund:			
DNA.....	..	..	\$450
Automation at Quantico.....	..	..	187
Capital Improvements at Quantico.....	..	..	602
Subtotal Adjustments to Base.....	..	..	1,219
Total, Adjustments to Base.....	..	..	1,219
1996 Base.....	..	..	1,219
Program Increases:			
Advanced Telephony.....	..	..	33,400
Federal Wireless.....	4	2	2,900
Deoxyribonucleic Acid (DNA).....	..	..	4,180
State, Indian Tribal, Local Training.....	..	..	4,000
Capital Improvements at FBI Academy.....	..	..	1,231
Total, Program Increases.....	4	2	45,681
1996 Request.....	4	2	\$46,900

**Federal Bureau of Investigation
Justification of Adjustments to Base
Violent Crimes Reduction Trust Fund
(Dollars in Thousands)**

Mandatory Increases:

	NY	Amount
1. Transfers to Violent Crime Reduction Trust.....	...	\$1,219
<p>The FBI's 1996 request includes a transfer of DNA funding (\$450,000), automation at the FBI Academy, Quantico, Virginia (\$167,000) and capital improvements at the FBI Academy, Quantico, Virginia from the FBI's Salaries and Expenses to the Violent Crime Reduction Trust Fund.</p>		
Total, Adjustments to Base.....	...	\$1,219

Local Union - Stigdon
 Vested Funds Trust Fund
 Summary of Expectations by Grade and Expected Class
 (Values in thousands)

	1991 Actual Position A Work years	1991 Stigdon Position A Work years	1996 Requested Position A Work years	Amount	Increase/Decrease Position A Work years	Amount
Grades and values ranges						
1990 Actual level II \$111,000						
IN 5 \$118,245						
IN 4 \$111,200						
IN 3 \$109,661						
IN 2 \$104,040						
IN 1 \$99,541						
IN 0 \$94,941						
ON 1N15 \$67,942-88,121						
ON 1N14 \$57,766-75,091						
ON 1N13 \$48,878-61,519						
ON 12 \$41,164-51,411						
ON 11 \$31,295-41,546						
ON 10 \$21,215-30,579						
ON 9 \$28,145-36,815						
ON 8 \$24,662-31,944						
ON 7 \$21,171-30,121						
ON 6 \$20,852-27,103						
ON 5 \$18,707-24,116						
ON 4 \$16,721-21,711						
ON 3 \$14,895-19,166						
Ungraded positions						
Teacher Pay				\$4		\$4
1996 pay increases				\$5		\$5
Total appropriated-pensions				\$211	4	211
Pay above stated annual rates						
Lapses				(109)	(2)	(109)
Savings due to lower pay scales for part of year						
Not full-time permanent						
Other than full-time permanent						
Part-time permanent						
Other part-time compensation						
Overtime				102	2	102
Availability pay						
Other compensation						
Total work years and part-time compensation				106	2	106
Average 198 Salary						
Average 198 (1981) Salary						
Average (1981) / 1986				(54,878)		(116)

B-25

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Violent Crime Trust Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimates		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent					2	\$102	2	
11.3 Other than full-time permanent								
11.5 Other personnel compensation						4		4
Total					2	106	2	106
Reimbursable Workyears								
Full-time permanent								
Other than permanent								
12 Personnel benefits						32		32
13 Benefits to former personnel								
21 Travel and transportation of persons						4,003		4,003
22 Transportation of things								
23.1 GSA rent						17		17
23.2 Rental payments to others								
23.3 Communications, utilities and miscellaneous charges								
24 Printing and reproduction						13		13
25.1 Advisory and assistance services						3,454		3,454
25.2 Other services						808		808
26 Supplies and materials						952		952
31 Equipment						36,086		36,086
32 Land and structures						1,231		1,231
42 Insurance claims and indemnities								
91 Unvouchered								
Total obligations					2	46,500	2	46,500

Department of Justice
Federal Bureau of Investigation
Telephone Carrier Compliance
Estimates for Fiscal Year 1956

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Federal Bureau of Investigation
Telephone Carrier Compliance
Summary Statement
Fiscal Year (FY) 1996

The Communications Assistance for Law Enforcement Act of 1994, signed by President Clinton on October 25, 1994, authorizes the Attorney General to pay telecommunications carriers for costs directly associated with modifying equipment to allow law enforcement agencies to perform court-approved wiretaps and other electronic surveillance. The Act authorizes \$500,000,000 between FYs 1995 and 1998 (Title I, Section 110, Authorization of Appropriations). For FY 1996, the President's budget proposes \$100,000,000 for reimbursements to telecommunications carriers.

Activities eligible for reimbursement include modifications performed by carriers in connection with equipment, facilities, and services installed or deployed to comply with the Act. In particular, telecommunications carriers are required to expeditiously isolate and enable intercept of all wire and electronic communications, provide access to call-identifying information that is reasonably available to the carrier, deliver the intercepts and call-identifying information to the Government, and provide these services unobtrusively so as to minimize interference to subscriber services.

This program, which is being administered by the FBI on behalf of all law enforcement, is proposed to be financed through a 30 percent surcharge imposed on civil monetary penalties and criminal fines. Based on previous collections, this surcharge is expected to generate \$200,000,000 in FY 1996; however, only \$100,000,000 in reimbursements during FY 1996 is projected by the Administration. Legislation to implement the surcharge proposal will be forwarded separately for consideration by Congress.

To facilitate management of the Act, the FBI is establishing a Telecommunications Industry Liaison Unit within its Information Resources Division. This unit will have responsibilities in several major areas assigned to the Attorney General by the Act: (1) consulting with law enforcement to develop capacity requirements and a deployment priority plan; (2) consulting with industry to clarify requirements, influencing standards development, and providing capacity requirements; (3) reimbursing carriers through established cost reimbursement procedures and verifying cost reasonableness associated with the development and implementation of solutions; (4) supporting compliance actions initiated by the Attorney General for enforcement; (5) supporting the Attorney General during resolution of disputes in proceedings before the Federal Communications Commission and, in necessary, in courts; and (6) reporting to Congress a detailed accounting for the reimbursement of funds to carriers.

**United States of America
Department of Justice
Federal Bureau of Investigation
Summary of Expenses by Program
(Data in thousands)**

	1988 as Budgeted			1988 Actuals			1988 Appropriation			1988 Base			1988 Estimate			Increase/Decrease		
	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount	Pers.	WT	Amount
Estimates by Program																		
Criminal Security and																		
Other Investigations																		
Organized Criminal Enterprises																		
Public Order Crime Operations																		
White Collar Crime																		
Other Field Programs																		
Subtotal																		
Law Enforcement Support																		
Training																		
Technical Support and Support																		
Forensic Services																		
ADP & Telecommunications																		
Information Management																		
Information Management, Analysis																		
and Technical Services																		
Technical Support & Services																		
Criminal Justice Services																		
Subtotal																		
Program Director																		
Management and Administration																		
TOTAL																		

BASE PROGRAM DESCRIPTION: The Telephone Carrier Compliance appropriation is being proposed to support the Communications Assistance for Law Enforcement Act of 1994 (P.L. 103-414). This Act clearly defines the responsibilities of common carriers to provide assistance to law enforcement in conducting lawful wiretap and other electronic communications intercepts. Further, the Act authorizes the Attorney General to pay telecommunications carriers for costs directly associated with modifying equipment in compliance with the Act. The Act authorizes \$500,000,000 between 1995 and 1998 for reimbursements. No funding for reimbursements was provided in the appropriation process for 1995 due to the enactment of the Act subsequent to the Justice Appropriations Act of 1994. For 1996, a total of \$100,000,000 for reimbursements to telecommunications carriers is proposed.

PROGRAM CHANGES:

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	MX	Perm.	MX	Perm.	MX
Technical Field						
Support and Services.....	Pos.	Amount	Pos.	Amount	Pos.	Amount

						\$100,000

The Communications Assistance for Law Enforcement Act of 1994 (P.L. 103-414), signed by President Clinton on October 24, 1994, requires common telecommunications carriers to assist law enforcement agencies in conducting lawful wire and electronic communications intercepts and pen registers. This legislation clearly defines the responsibilities of common carriers to provide assistance. Compliance with the Act requires common carriers, in many instances, to modify their existing telecommunications systems to provide law enforcement agencies with appropriate access. Under provisions of the Act, the Attorney General must provide common carriers with initial capacity and priority deployment requirements by October 1995 or risk having all existing equipment and systems exempted from the scope of the Act. The Act establishes a four-year compliance period.

The Telephone Carrier Compliance program is being administered by the FBI on behalf of all federal, state, and local law enforcement agencies. Since enactment of the Act in October 1994, the FBI has been working toward defining initial capacity requirements and developing a priority deployment plan, as required by the Act. This phase of the compliance program must be completed by October 1995. Upon completion of this phase, the FBI will begin negotiating and awarding contracts with the nearly 2,000 telecommunications providers to comply with the Act.

Title I, Section 110, of the Act authorizes \$500,000,000 between 1995 and 1996 for reimbursements to telecommunications carriers for their costs directly associated with modifying equipment and systems to allow law enforcement to perform court-approved wiretaps and other electronic surveillance. For 1996, a total of \$100,000,000 is proposed for reimbursements. Funding to offset the cost of reimbursements is being proposed through a 30 percent surcharge on civil penalties and criminal fines levied. Based on the current amount of collections, \$200,000,000 is estimated to be generated from the surcharge on an annual basis. The actual amount of surcharge collected in 1996 above \$100,000,000 would be made available for obligation in 1997. If \$100,000,000 from the surcharge is not generated in 1996, the difference between the amount collected and the \$100,000,000 would be made up through appropriation. Legislation to implement the surcharge proposal will be forwarded separately for consideration by Congress.

Failure to provide funding for reimbursement of the costs of compliance with the Act would result in the FBI and other law enforcement agencies losing their capabilities to perform court-approved wiretaps and electronic surveillance. Further, given the four-year compliance period established by the Act, a lack of funding in 1996 would severely hinder the ability of the FBI to accomplish the goals of the Act in the remaining years. Law enforcement agencies which are allowed to use wiretaps and other electronic surveillance techniques would be stymied in their efforts to collect evidence of criminal activities that is critical to the successful prosecution of drug traffickers, organized crime, terrorists, and others involved in crimes of violence and white-collar crimes.

Federal Bureau of Investigation
Telephone Carrier Compliance
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Law Enforcement Support	
	Technical Field	Support and Services
	Pot. Increases	Amount
Grades		
GS-15
GS-14
GS-13
GS-12
GS-11
GS-9
GS-7
GS-5
Total positions and annual rate
Leaves (-)
Other personnel compensation
Total workyears and personnel compensation
Personnel benefits
Travel and transportation of persons
Transportation of things
GSA rent
Rental payments to others
Communications, utilities, and misc. charges
Printing and reproduction
Other services
Supplies and materials
Equipment
Land and structures
Total program workyears and obligations
changes requested, 1965	...	\$100,000

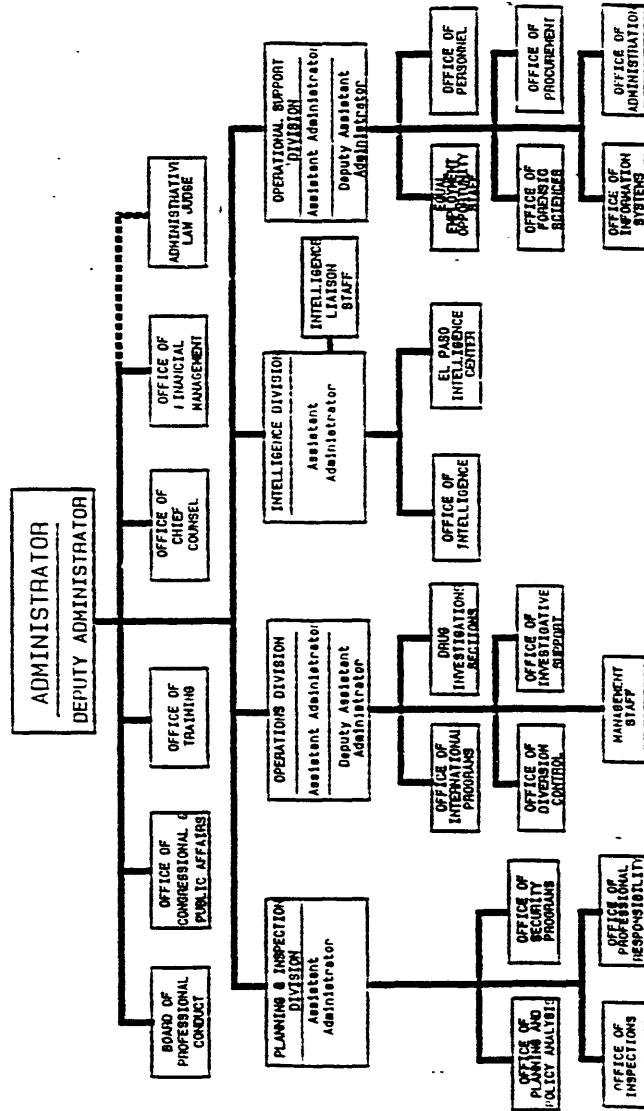
Federal Bureau of Investigation
 Telephone Carrier Compliance
 Priority Ranking
 Fiscal Year (FY) 1996

Base Program		Program Changes	
Program	Ranking	Program	Ranking
Technical Field Support and Services	...	Technical Field Support and Services	1

Department of Justice
Drug Enforcement Administration
Estimates for Fiscal Year 1996
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DRUG ENFORCEMENT ADMINISTRATION



Approved: W.P. Bugh Date: 3/4/92
WILLIAM P. BUGH
Attorney General

Drug Enforcement Administration
SUMMARY STATEMENT
Fiscal Year 1996

In 1996 the Drug Enforcement Administration (DEA) requests 5,691 positions (2,834 Special Agents), 5,765 workyears, and \$790,160,000 in the Salaries and Expenses Appropriation, which includes program increases of \$12,680,000. DEA also is requesting 83 positions (83 Special Agents), 86 workyears, and \$12,000,000 through the Violent Crime Reduction Trust Fund (VCRF). DEA's initial request under the VCRF includes a transfer of 33 positions and 53 workyears and \$9,035,000 from the Salaries and Expenses Appropriation and a program enhancement of 30 positions, 15 workyears, and \$3,985,000.

In addition, DEA is asking for 1,000 positions (779 Special Agents), 987 workyears, and \$99,020,000 as part of the 1996 consolidated budget for the Organized Crime Drug Enforcement Task Force. Lastly, DEA is requesting 595 positions, 591 workyears, and \$47,241,000 through the Diversion Control Fee Account. In 1996 DEA's total direct, reimbursable (including 26 Special Agent FTE from IMH and 20 FTE from MOIC), and fee funded budget requests will total 7,419 positions (3,732 Special Agents), 7,466 workyears, and \$956,429,000. This represents an increase of \$50,910,000, or 6.8 percent over 1995 levels.

Violent Crime in America

America is reeling from the impact of drugs and violence on the quality of life in our communities. Over the past three decades, crime and violence have shredded the social fabric of our communities, schools, and families. Intelligence reports and statistical surveys indicate that violent crime has increased by nearly 400 percent--more than nine times the population growth rate over this same period. Murders have tripled, robberies have increased more than 500 percent, and aggravated assaults have skyrocketed by more than 600 percent.

The relationship between violent crime and drugs is well documented. A recent study showed that 48 percent of all homicides are drug related. After a gradual decline throughout the 1960s and 1970s, the homicide rate began its steady ascent in the mid-1980s. Much of this increase is directly associated with the advent of crack cocaine and the turf battles between rival gangs for control of the drug trade.

Today, we are witnessing a sharp increase in violent crime by adolescents and demographic data suggests that these alarming trends will not change in the near future. Violent crime rates for 14 to 17-year-old adolescents is double the rate for adults. Moreover, the United States is experiencing a population explosion that many criminologists predict another crime wave early in the next century. In 2005, there will be more teenagers in the United States than at any time in history.

Our nation's children are the most frequent victims of violent crime. Although this group comprises just 14 percent of the population, more than 30 percent of the victims of violent crime fall into this age group. Over half of all violent crimes against adolescents occur in the school or on the street.

Contributing to the rise in violence, is the recent increase in drug use by our youth. After falling in the past few years, drug use by adolescents has increased in the most recent surveys. Compared with two years ago, marijuana use among senior high students has increased by 29 percent and 41 percent in junior high. More alarmingly, LSD use has increased among high school seniors, approaching levels not seen since the mid-1970s. Although cocaine use has declined crack cocaine, the source of much of the violence in our communities, is readily available in urban and rural areas.

There has been a resurgence in the popularity of heroin with prices lower and purity levels higher than ever before. Because of high purity levels, heroin can be injected through the nose, removing much of the stigma associated with needles. Complicating the influx of heroin is the inaccessibility of most heroin source regions because of political instability.

DEA's Domestic Strategy

DEA is working side-by-side with its State and local law enforcement partners to combat the ravages of violent crime. Cooperative enforcement initiatives have successfully reduced drug-related violence in a number of cities.

- o In Fort Lauderdale, Florida, a cooperative task force dismantled a major crack ring, reducing by 95 percent the 911 emergency calls from the neighborhoods terrorized by this criminal organization.
- o In New Haven, Connecticut, as a result of task force activities against drug gangs, the city's murder rate dropped by almost 50 percent.
- o In Oakland, California, DEA and local authorities successfully closed down the Lacy/Flowers organization that had terrorized the local community through street violence. Over a four-year period, this group was responsible for 41 murders.
- o In Savannah, Georgia, a violent crack gang headed by Ricky Jivens had terrorized the city. This group was responsible for at least 15 murders. Working closely together, DEA and local police successfully dismantled the Jivens organization. With Jivens serving a life sentence in prison, the crime rate in Savannah has dropped significantly.

Meeting Today's Challenges

DEA is redeploying its existing resources to meet today's law enforcement challenges. DEA is currently reviewing a plan that will transfer 60 Special Agents from Headquarters responsibilities to domestic offices. These resources will be redeployed to stem the tide of violent crime in those communities ravaged by violent criminal elements. As an additional measure, DEA is in the process of redesignating an existing enforcement group in San Francisco, Seattle, and Boston to confront the resurgence in heroin trafficking.

DEA also is re-evaluating the assignment of Special Agent resources to overseas posts and other related special enforcement operations and programs. While DEA has a critical international role to stop the flow of drugs into the United States, the emphasis must be on domestic programs. In the coming months, these positions will be reassigned to domestic offices.

Also, to improve DEA's infrastructure, a total of \$5.4 million will be redirected from the Alliance construction project to ADP for the purchase of office automation equipment.

DEA's 1996 Request for Enhancements

For 1996, DEA is requesting modest enhancements to supplement existing programs and improve the agency's infrastructure. In addition, DEA is requesting enhancements of \$3,965,000 and 30 Special Agents under the Violent Crime Reduction Trust fund. These resources would be used to form additional heroin groups in domestic cities.

Request: \$3,965,000 for Communications Legislation

DEA is requesting \$2,200,000 for contract linguists and the replacement and maintenance of equipment in support of DEA's intensive Title III wire intercept program. In addition, DEA is requesting \$1,765,000 for the purchase of equipment to support the communications network so vital to criminal enterprises. These investigations are very costly because of the cost of translations, equipment and assistance. This enhancement will defray these costs, enabling DEA to pursue other promising investigations.

DEA is also requesting \$1,650,000 for advanced digital telephony. Increasingly, criminal organizations are using digital telephony, thwarting detection by law enforcement authorities. The Federal Bureau of Investigation is spearheading the effort of the law enforcement community to install appropriate equipment thereby trumping the advantage of criminal organizations. This funding will be used to install equipment in the New York office, the hub of many high-level investigations.

Request: \$8,250,000 for Cooperative Information Systems

DEA is requesting \$8,250,000 for a new generation of office automation equipment along with associated operations and maintenance requirements. DEA's current office automation system is approaching the latter stages of its expected life cycle. This outdated system can no longer meet rapidly escalating workload requirements. In addition, DEA's system is incompatible with other law enforcement agencies.

This enhancement will continue the ongoing process of fully integrating DEA and all DOJ components automation systems. Both agencies will be able to share intelligence and enforcement data necessary in pursuing investigations. Eventually, DEA's file room would be fully automated and all field offices would be afforded access to the system.

Request: \$580,000 for Beijing

DEA is requesting \$580,000 to open a country office in Beijing, Peoples Republic of China. Starting in 1997, Hong Kong will revert to Chinese control as a special administrative region. At that time, the Department of State will require all U.S. representatives in China to operate from the American Embassy in Beijing.

This enhancement will allow DEA to establish a country office in Beijing, and convert the Hong Kong County Office to resident office status.

DRUG ENFORCEMENT ADMINISTRATION
Salaries and Expenses
Justification of Proposed Changes in Appropriation Language

The 1994 budget estimates includes proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed [1,208] passenger motor vehicles, of which [1,178] shall be for replacement only, for police use and [310] for research and information, not to exceed \$4,000,000 for purchase of evidence and payments for lease, maintenance, and operation of aircraft; [572,204,000] of which not to exceed \$1,000,000 for research and information, not to exceed \$2,000,000 for technical and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, shall remain available until September 30, [1994], and of which not to exceed \$50,000 shall be available for official reception and representation expenses; [1] Provided, That if the offsetting collections credited to this account, \$437,000 are permanently canceled).

(Reorganization Plan No. 2 of 1973; Reorganization Plan No. 1 of 1969; 21 U.S.C. 801-946 as amended; 40 U.S.C. 504; Department of Justice Appropriations and Related Agencies Act, 1995.)

1,208
1,178
\$708,169,000
1992

and \$15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses.

Explanation of Changes

1. The first change reflects the authorization to purchase 1,208 passenger motor vehicles.
2. The second change reflects the authorization to purchase 1,178 replacement passenger motor vehicles.
3. The third change reflects a request to transfer \$15,000,000 to the Drug Diversion Control Fee Account for operating expenses and that these funds be made available until expended.
4. The fourth change deletes language associated with the one-time reduction of procurement and GSA rent costs from offsetting collections.

Drug Enforcement Administration
Salaries and Expenses
Comparison of 1995 Changes
(Dollars in thousands)

Activity/Program:	1995 President's Budget Request			Congressional Appropriation			Transfers			1995 Pay Rate Absorption			1995 Availability		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement of federal laws and															
Investigations:															
Domestic enforcement.....	1,746	1,817	\$202,099	351	226	\$31,103	...	...	...	...	(52)	...	2,097	1,991	\$233,202
Foreign cooperative investigations.....	568	566	109,862	...	...	...	...	...	...	...	...	...	668	556	109,862
Drug and chemical diversion control.....	66	66	21,760	...	...	...	...	...	...	...	...	...	66	66	21,760
State and local task forces.....	666	662	72,823	36	34	3,660	...	...	...	...	...	...	704	686	85,683
Subtotal.....	3,046	3,111	406,536	389	260	34,863	...	...	...	...	(52)	...	3,435	3,319	450,477
2. Investigative support:															
Intelligence.....	620	640	60,530	29	15	1,101	...	...	...	...	...	...	649	655	61,631
Laboratory services.....	307	305	25,307	14	7	645	...	...	...	...	...	...	321	312	26,982
Training.....	118	117	24,541	...	...	...	...	...	...	...	...	...	118	117	24,541
Research, engineering, and technical operations.....	408	406	84,124	...	...	...	...	...	...	...	...	...	408	406	84,124
ADP.....	105	104	39,191	...	...	...	...	...	...	...	...	...	105	104	39,191
Subtotal.....	1,558	1,572	235,693	43	22	1,746	...	...	...	...	...	...	1,801	1,594	235,439
3. Program direction:															
Management and administration.....	711	706	79,422	4	2	153	...	...	...	...	...	...	715	706	78,976
Subtotal.....	711	706	79,422	4	2	153	...	...	...	...	...	...	715	706	78,976
Total.....	6,315	6,389	719,651	436	284	36,862	...	...	...	...	(52)	...	6,761	5,821	765,481

Transfers: DEA received transfers of \$3,958,000 from HIDTA.

Congressional Action: Congress restored DEA to the 1992 level of 3,702 Special Agents by providing 311 agent positions, 125 support positions and \$36,862,000.

1995 Pay Rate Absorption: To absorb the 1995 pay rate, formerly budgeted at 1.6 percent, and is now 3.3 percent, it was necessary to reduce DEA's FTE level by 62 workyears. The will not have an effect on actual workyear utilization because DEA is below its authorized level and is currently hiring to reach its full staffing.

Drug Enforcement Administration
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

Adjustments to base:			Perm. Work-		
			Pos.	Years	Amount
1995 as enacted			5,751	5,621	\$756,513
Transfer:					
HIDTA					8,978
1995 availability			5,751	5,621	765,491
Transfer:					
HIDTA: non-recurring transfer					(8,978)
Transfer to Violent Crime Reduction Program (VCRP): annualization of 1995 agents			(53)	(53)	(8,035)
Transfer of ADP Resources to the Drug Diversion Control Fee Account (DDCFA)			(7)	(7)	(1,900)
Annualization of 1995 Congressional Action				152	15,400
Streamline Savings					(5,550)
Mandatory Increases				52	33,417
Decreases (automatic, non-policy)					(4,457)
1996 base			5,691	5,765	785,488

1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Pos.	WY	Amount	Perm.	WY	Amount	WY	Amount
Estimates by budget activity											
1. Enforcement	3,435	3,319	\$450,477	3,382	3,447	\$462,098	3,382	3,447	\$464,876		\$2,780
2. Investigative support	1,601	1,594	235,439	1,594	1,608	251,437	1,594	1,608	261,337		9,900
3. Program direction	715	708	79,576	715	710	71,955	715	710	71,955		
Total	5,751	5,621	765,491	5,691	5,765	785,488	5,691	5,765	798,168		12,680

Drug Enforcement Administration
Salaries and expenses
Summary of resources by Program
(Dollars in thousands)

Estimates by Program	1984 as Enacted			1984 Actual			1985 Availability			1984 Base			1984 Estimate			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1 Enforcement																		
Domestic enforcement	1,754	1,829	\$188,151	1,754	1,813	\$245,572	2,097	1,991	\$232,202	2,044	2,115	\$244,818	2,044	2,115	\$247,018			\$2,200
Foreign coop investigations	878	972	111,278	878	967	103,894	946	946	109,852	848	848	114,003	848	848	114,583			580
Drug and criminal law enforcement	66	66	21,742	66	67	21,742	66	66	21,760	66	66	21,760	66	66	21,760			
State and local task forces	670	666	66,674	670	723	79,102	704	694	85,943	704	700	82,166	704	700	82,166			
Subtotal	3,068	3,134	419,843	3,068	3,170	450,044	3,435	3,316	450,477	3,382	3,447	482,066	3,382	3,447	482,066			2,760
2 Intelligence support																		
Intelligence	649	649	66,111	649	630	65,648	649	635	61,431	649	649	63,377	649	649	63,377			
Laboratory services	312	310	23,333	312	284	25,688	321	312	28,502	321	310	32,879	321	310	32,879			
Training	124	123	23,163	124	122	18,720	116	117	24,541	116	117	19,775	116	117	19,775			
Technical support and	410	408	84,887	410	393	77,231	408	408	84,124	408	408	89,356	408	408	91,008			1,850
ADP	108	107	29,695	108	108	40,545	109	104	39,181	88	87	48,250	88	87	54,500			8,250
Subtotal	1,603	1,597	239,399	1,603	1,548	225,255	1,601	1,564	235,439	1,594	1,584	251,437	1,584	1,608	281,337			9,800
3 Program Division																		
Management and administration	726	721	81,123	726	722	71,808	715	708	79,575	715	710	71,895	715	710	71,895			
Subtotal	726	721	81,123	726	722	71,808	715	708	79,575	715	710	71,895	715	710	71,895			
Total	4,596	4,582	729,295	4,596	4,492	747,252	5,041	4,824	785,491	4,891	4,835	782,441	4,891	4,835	782,441			12,450
Backwardable work years																		
Total work years																		
Other Workyears																		
Holiday																		
Other																		
ADP																		
Other																		
Total comparable work years																		

Drug Enforcement Administration
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Financing:	1994 Actual			1995 Availability			1996 Request			Increase/Decrease	
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	WY	Amount
Collection by Source:											
Organized Crime Drug Enforcement.....	997	984	\$96,807	975	982	\$97,356	975	982	\$96,751	...	(\$607)
Regional Drug Intelligence Squads.....	26	26	2,245	25	25	2,282	26	25	2,269	...	(13)
Asset Forfeiture Fund.....	...	...	61,098	...	...	54,928	...	...	54,928	...	...
Department of Treasury.....	...	...	372	...	...	135	...	...	140	...	5
Office of National Drug Control Policy.....	...	...	960	...	...	383	...	...	393	...	...
Department of State.....	30	23	2,053	30	23	3,416	30	23	3,417	...	(1)
Department of Justice.....	...	...	20,569	...	...	28,116	...	...	35,515	...	...
National Drug Intelligence Center.....	17	17	1,892	20	20	4,119	20	20	3,610	...	4,311
Department of Defense.....	...	...	3,674	...	...	3,360	...	...	3,405	...	45
Misc. Government.....	...	...	968	...	...	292	...	...	292	...	...
Misc. Non-Government.....	...	...	1,038	...	...	3,241	...	...	3,242	...	1
Total.....	1,070	1,052	191,119	1,050	1,032	195,763	1,050	1,032	199,504	...	3,741

Obligations by Program:

Enforcement.....	1,027	1,007	\$129,611	1,005	985	\$132,761	1,005	985	\$135,296	...	2,537
Investigative Support.....	43	43	30,484	45	45	31,225	45	45	31,822	...	597
Program Direction.....	...	2	31,023	...	2	31,777	...	2	32,384	...	607
Total.....	1,070	1,052	191,119	1,050	1,032	195,763	1,050	1,032	199,504	...	3,741

**Drug Enforcement Administration
Salaries and Expenses
Justification of Program and Performance
Activity Budget Request
(Dollars in thousands)**

ACTIVITY: ENFORCEMENT

	1995			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	MT	Amount	Perm.	MT	Amount	Perm.	MT	Amount	Perm.	MT	Amount
Domestic Enforcement.....	2,097	1,991	\$233,262	2,044	2,115	\$244,816	2,044	2,115	\$247,016	...	...	\$2,200
Foreign Cooperative.....	566	566	109,862	566	566	114,003	566	566	114,563	...	...	560
Investigative Division.....	66	66	21,760	66	66	21,109	66	66	21,109	...	...	...
Drug and Chemical Control.....	704	696	85,643	704	700	82,168	704	700	82,168	...	...	...
State and Local Task Forces.....	3,435	3,319	\$460,477	3,362	3,447	\$462,066	3,362	3,447	\$464,876	...	...	\$2,760
Total:												

This budget activity includes resources for DEA's drug enforcement mission both domestic and overseas. Funds requested for this activity provide resources to identify and apprehend individuals who violate Federal drug laws.

	1995			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	MT	Amount	Perm.	MT	Amount	Perm.	MT	Amount	Perm.	MT	Amount
Domestic Enforcement.....	2,097	1,991	\$233,262	2,044	2,115	\$244,816	2,044	2,115	\$247,016	...	...	\$2,200

LONG RANGE GOAL: Reduce the domestic supply of illicit drugs and permanently disrupt or eliminate the organizations trafficking these drugs.

MAJOR OBJECTIVES:

- o Investigate, arrest, and contribute to the successful prosecution of major drug violators throughout the United States.
- o Develop tailored initiatives to address the most significant drug trafficking problems and organizations.
- o Implement actions against identified problems/organizations to disrupt or immobilize drug production, trafficking, and financial operations.
- o Identify and seize drug evidence and non-drug assets used in, or derived from, the proceeds of the drug trafficking activities of individuals and organizations involved in the illegal drug trade.
- o Reduce domestic production and cultivation of illicit drugs.
- o Assist Federal, State, and local law enforcement agencies involved in the fight against illegal drug production, cultivation, and trafficking.

BASE PROGRAM DESCRIPTION: The Domestic Enforcement Program includes the enforcement operations of DEA's 19 field divisions and the DEA Headquarters program coordinators. The program also uses a variety of investigative tools, including electronic surveillance, informants, and undercover operations. Domestic enforcement investigations involve obtaining and using information from sources and informants to identify and locate individuals, organizations, state, and local law enforcement organizations. The program includes the use of the Domestic Enforcement Team (DET) which includes DEA's Asset Recovery Team identify and trace assets subject to seizure and forfeiture and lead to the destruction of the economic bases of drug trafficking enterprises. The Domestic

Enforcement Program also includes all domestic SED/SEP Investigations. SEP Investigations typically target problems posed by drug trafficking, such as the transportation of illegal drugs on U.S. Interstates and highways or the use of indoor and underground facilities to grow marijuana. Current active operations include 12 SEPs.

ACCOMPLISHMENTS AND WORKLOAD:

	Domestic Enforcement		
	1993* Actual	1994* Actual	1995 Estimate
Investigative Workhours by Case Class			
Class I	1,182,281	1,036,169	1,126,098
Class II	509,463	386,923	420,489
Class III	329,449	378,650	411,498
Class IV	47,306	50,128	54,477
Class V	17,581	17,581	17,581
Class VI	11,441	11,441	12,455
Unassigned	528,543	518,423	543,451
General File	2,597,044	2,429,354	2,640,103
TOTAL			
Arrests by Case Class			
Class I	2,246	2,125	2,309
Class II	1,690	1,410	1,532
Class III	1,662	1,392	1,513
Class IV	8,333	8,333	8,333
Class V	1,111	1,241	1,349
Fed. Referral Arrests	1,111	1,241	1,349
DEA Coop. Arrests	3,272	4,509	4,721
TOTAL	10,416	10,959	11,877
Convictions:			
Federal Court	7,277	5,330	5,792
State Court	2,546	2,030	2,206
Unconvicted	32	32	32
TOTAL	9,855	7,392	8,033
Drugs Removed:			
Heroin (kilo)	416	278	302
Cocaine (kilo)	34,069	46,037	50,031
Cannabis (kilo)	112,288	125,021	136,954
Drug. Drugs (1000 D.U.)	41,031	76,797	83,459
Clon. Lab Seizures	268	272	300
Asset Seizures (100)	8303,654	8260,984	8283,625
TOTAL			
			8308,683

* Actual workload statistics may differ from those printed in the 1996 President's Budget. DEA continues to collect actual workload statistics throughout the following year as case information develops.

** Increase in the 1996 workload statistics reflect DEA's Heroin Initiative which is requested within the Domestic Enforcement decision unit in the Violent Crime Reduction Trust Fund Budget.

Other Accomplishments:--

DEA continues to have much success in its focus on drug-related violence. While working with other law enforcement agencies in an unprecedented cooperative atmosphere, DEA and its counterparts have successfully identified, arrested and prosecuted some of the most violent drug traffickers operating in the United States. Below are only a few examples of this success.

- o DEA's Chicago Division Office is culminating a cooperative investigation into a very sophisticated major drug trafficking organization known as the Black Gangster Disciple Nation. The Chicago Police Department estimates that the leader of this organization may have approved as many as 500 murders over a 20-year period to ensure control of Chicago's retail drug market.
- o On January 10, 1995, a three and one half year joint investigation led to the indictment of 28 members of a heroin trafficking organization supplying heroin with purities ranging from 36 to 99 percent in Philadelphia suburbs. This group has been tied to numerous violent crime in connection with their drug trade.
- o In Hartford, Connecticut, the extensive use of Title III intercepts help lead to the October 26, 1994 arrest of 21 individuals connected to a violent gang trafficking in crack cocaine and heroin. This joint investigation has revealed gang-related homicides in furtherance of its drug trafficking.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			INCREASE/DECREASE		
	Perm.	MT	Amount	Perm.	MT	Amount	Pos.	MT	Amount
Domestic Enforcement.....	2,044	2,115	\$244,816	2,044	2,115	\$244,816	...	...	\$2,200
DEA requests \$2,200,000 for contract linguists and the replacement and maintenance of equipment in support of DEA's intensive Title III wire intercept program.									

The major drug trafficking organizations operating in the United States and throughout the world cannot survive without the ability to quickly communicate with their vast network of operatives. This vulnerability of drug trafficking organizations exposes all aspects of their illicit enterprise--their transportation methods, employees and managers at all levels, and their financial underpinnings. The traffickers are well aware that their survival depends on the protection of their communications capabilities and they are sparing no expense to ensure that they stay ahead of law enforcement's threat to infiltrate this vulnerability.

DEA's exploitation efforts have begun to infiltrate the traffickers' communications network. DEA's use of intensive Title III wire intercepts has exposed some of the trafficking organizations never before seen by law enforcement. This information is valuable to all agencies and police departments involved in drug law enforcement. DEA's intercept program has uncovered major drug shipments destined for the United States, identified high level managers previously unknown to law enforcement, and has located numerous financial assets that would not have been discovered through traditional investigative efforts.

These successes prove not only the effectiveness of DEA's intercept program, but they also show the great potential to further infiltrate the drug organizations' communications networks. This program's effectiveness applies not only to cocaine traffickers, but other groups as well. DEA is now beginning to apply this successful technique against major heroin traffickers.

DEA must be able to use its most effective "bug" investigative tool, the systematic use of Title III wire intercepts, to its fullest potential. This can be accomplished only with the latest technology to intercept digital communications along with adequate linguist support to translate and transcribe drug-related conversations.

Throughout the 1970s and 1980s, DEA conducted Title III wire intercepts on a limited basis. Typically, DEA would execute approximately 50 intercept orders per year, most of which involved only one line for 30 days. Consequently, the modular cost associated with each new Special Agent position provided adequate funding to maintain a modest number of intercepts. Because DEA does not have linguists on staff, the intercepts had to be monitored and transcribed by either qualified Special Agents or contract linguists.

In 1991, DEA initiated an intensified wire intercept operation in its New York Division Office. As many as 22 lines were tapped simultaneously with more than 84 lines intercepted over an 18-month period. The results from an enforcement standpoint were extraordinary. DEA quickly learned that the most effective method to penetrate the infrastructure of the drug cartels was through an aggressive attack on their communications network through intensified wire intercepts. DEA has expanded its wiretap program to many cities nationwide.

By 1993, DEA intercept orders increased to 321, many of which were multi-line intercept orders lasting 90 days. In 1994, intercept orders jumped to 440, consisting of the following types of intercepts:

- o 319 cellular or landline telephone intercepts;
- o 121 pager machines, etc.;
- o 100 pager (paging devices); and
- o 4 roving intercepts.

Roving intercepts enable law enforcement to intercept any phone that a particular suspect may be using. These intercepts are very rare and the courts will allow their use only if law enforcement can show that a suspect is changing numerous phones for illicit purposes. The advantage of roving intercepts is that they save valuable investigative time by eliminating the need for law enforcement to apply for an intercept order each time a suspect changes phones. If a suspect is the target of a roving intercept, the intercept activity is intense and requires substantial linguist support. DEA usually handles no more than two roving intercepts in one year. The four roving intercepts in 1994 is extraordinary, but it is also showing a trend to more of these targets.

With the success of the wire intercept program leading to a substantial increase in the number of lines tapped and longer durations for each intercept order, DEA's contract linguist base soared from \$1.3 million in 1990 to the current \$13.0 million. Also, Congress, in the 1994 appropriation, directed DoD to provide \$5,000,000 in linguist support to DEA. DoD is currently establishing a linguist center in Draper, Utah. When the Center becomes operational, DEA estimates that it could provide a 25 percent cost savings in the total linguist requirement. DEA has included these estimated savings in developing its 1996 contract linguist requirements. Several limitations preclude a larger savings. For example, legal restrictions under posse comitatus prevent DoD from translating live intercepts; thus, DoD linguists are restricted to transcription services. Also, under the current DoD proposal, DoD linguists would staff the Draper facility. This number will not be adequate to handle DEA's full transcription needs. As a result, DEA will continue to rely on contract linguists for real-time translation and transcription.

DEA is committed to maintaining the 1995 base level of \$13.0 million for contract linguists, but it can go no further without dismantling the investigations that the intercept program supports. In 1994, DEA had a \$15.7 million linguist requirement. The \$6.7 million above DEA's base funding was covered through outside sources. For 1995 and the foreseeable future, these outside sources will be providing less, and possibly no funding for DEA contract linguists. Therefore, DEA must be able to sustain its Title III intercept program from within its base funding. However, DEA can no longer deplete other enforcement programs in order to bring its linguist base to the 1994 level of \$13.7 million. An enhancement of \$1.3 million and the projected savings from the Draper facility will allow DEA to operate its Title III wire intercepts above the 1994 level. DEA also requests \$900,000 for the replacement and maintenance of specialized equipment used for Title III wire intercepts.

	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MT	Perm. Pos.	MT	Perm. Pos.	MT	Perm. Pos.	MT
Foreign Cooperative Investigations.....	568	568	\$109,852	568	\$114,003	568	568	\$114,563
						
							...	\$580

LONG RANGE GOAL: To destroy drug trafficking organizations by cooperating with and assisting those nations that demonstrate a commitment to fight international narcotics syndicates, thereby reducing the amount of illicit drugs available in the United States.

MAJOR OBJECTIVES:

- o Prevent illicit drugs, destined for the United States, from entering international trafficking channels, thereby reducing the supply of drugs entering the United States.
- o Implement tailored initiatives against targeted trafficking organizations to disrupt or incapacitate the drug production, trafficking, and financial operations of these organizations.
- o Disrupt drug trafficking as close to the source as possible, with the long term goal of reducing the amount of illicit drugs cultivated, processed, and consumed worldwide.
- o Conduct international drug investigations in coordination with the law enforcement agencies of host countries.
- o Assist host country governments in developing effective drug law enforcement institutions through improved drug law enforcement legislation, personnel training, and improved police management techniques and practices.

BASE PROGRAM DESCRIPTION: DEA's overseas efforts are directed toward advising, assisting, and encouraging host country governments in the development of the law enforcement infrastructure required to reduce the supply of drugs at or near their source of production. DEA also aims to foster cooperation among law enforcement officials of host countries in the collection of intelligence, investigation, and drug law enforcement efforts. The scope of international trafficking organizations DEA's efforts include the coordination of drug intelligence collection and drug investigations (including chemical diversion and drug money laundering activities) with foreign law enforcement agencies as well as participation in bilateral and multilateral drug suppression programs. The Foreign Cooperative Investigations Program (FCIP) now includes resources provided for Foreign Special Enforcement Operations/Programs (SEO/P), including Operation Snowcap. These resources were previously contained in a separate SEO/P decision unit.

ACCOMPLISHMENTS AND WORKLOAD:

Foreign Cooperative Investigations	1993 Actual		1994 Actual		1995 Estimate		1996 Estimate	
	Pos.	MT	Pos.	MT	Pos.	MT	Pos.	MT
Investigative	215,696		233,860		222,167		211,059	
General file	182,185		185,556		176,278		167,464	
Intelligence	6,502		5,008		4,874		4,592	
Liaison	30,216		29,723		29,237		26,825	
Total Workhours	434,599		454,227		431,516**		409,940**	

	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Cooperative Arrests by Drug Type				
Heroin	362	343	343	360**
Cocaine	1,041	988	939**	092**
Cannabis	179	67	67	67
Dangerous Drugs	25	124	124	124
Total Arrests	1,626	1,522	1,473	1,443
Cooperative Drug Removals				
Heroin (kg.)	1,395	1,559	1,559	1,637***
Cocaine (kg.)	711	1,027	1,023**	972**
Cannabis (kg.)	81,820	12,628	12,628	12,628
Dangerous Drugs (000 D.U.)	153,541	155,951	155,951	155,951
* DEA's statistical data bases are continually revised. Figures shown represent the most accurate statistics available and may differ from those previously reported.				
** Statistics for 1995 and 1996 reflect a five percent reduction in each year due to the phased withdrawal of Operation Snowcap personnel during 1995 and complete termination of the Snowcap program by 1996.				
*** Statistics for 1996 reflect a five percent increase due to the opening of DEA Country Offices in Beijing, Peoples Republic of China and Moscow, Russia.				
Other Accomplishments				
o During 1994, DEA drug suppression programs in the source countries assisted in the seizure of more than 34 metric tons of cocaine products, 86 metric tons of marijuana, 12 aircraft, and the destruction of 11 large scale cocaine processing facilities.				
o In January 1994, as a result of the cooperative efforts of Peruvian and Colombian authorities and DEA's Country Offices in these countries, Demetrio CHAVEZ-Penabazares, aka VATICANO, was arrested in Cali, Colombia and subsequently extradited to Peru. He was then found guilty of treason and crimes against the state and sentenced to life in prison. VATICANO was considered the top Peruvian drug trafficker and a major cocaine base supplier to the Cali Cartel in Colombia.				
o In June 1994, through the cooperative efforts of DEA Bangkok and New York, a grand jury in the Eastern District of New York returned sealed indictments against 15 members of the Shen United Army (SUA) heroin trafficking organization. These charges hit the core heroin producers and wholesalers in the first link of the long chain of organized drug rings stretching back to the United States. All of the targets were involved in the shipping of large (multi-hundred pounds) loads of South East Asian heroin to the United States.				
o In the Mexican/U.S. transit zone, the Northern Border Response Force (NBRF) continues to make multi-ton seizures of cocaine HCL and marijuana through air interdiction, mobile checkpoints, maritime, area specific saturation operations, and follow-up investigations. In 1994, the NBRF was involved in the arrest of 95 traffickers and the seizure of 18,535 kilograms of cocaine, 1,025 metric tons of marijuana, 11 aircraft, 48 vehicles, and 2 vessels.				
o Information provided by Mexico City Country Office investigations against Colombian cartels contributed to the indictment, in the U.S., of Mexican poly-drug Kingpins Juan Garcia-Abrego, Amado Carrillo-Fuentes, and Benjamin Arriano-Felix.				

1996 M. CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount	Perma. Pos.	NY Amount
Foreign Cooperative Investigations.....	568	\$114,003	568	\$114,583	...	\$580

DEA requests \$580,000 to open a country office in Beijing, Peoples Republic of China.

With the recent surge in heroin trafficking from East Asia to the United States and associated rise in domestic heroin addiction statistics, DEA can ill afford to become lax in the amount of drug enforcement resources devoted to this volatile region of the globe. Although China is not a major producer of illicit drugs, the country serves as a major transit point for heroin trafficking. China borders the Golden Triangle and Golden Crescent regions of opium production, has open borders with Burma, and has good transportation links with drug transit centers such as Hong Kong, Taiwan, and Macao. China's coastline is long and porous and susceptible to smuggling.

Most heroin transiting the Chinese mainland comes from Burma and is subsequently shipped through Hong Kong or Taiwan to the United States. Some heroin never leaves the PRC and is consumed internally; domestic drug abuse is re-emerging as a significant problem in the country. Also, there are reports that illicit opium cultivation is emerging as a serious concern.

In recent years, DEA Special Agents and their PRC counterparts have cooperated on several heroin investigations. These cases have led to significant seizures and arrests. Still, greater cooperation is hampered by the difficulties associated with temporary duty travel to and within China. At present, DEA's efforts in the PRC are handled by Special Agents from the Hong Kong Country Office. Opening an office in the PRC would greatly improve day-to-day cooperation between DEA and Chinese drug law enforcement organizations; it would also open up more regions of the PRC for DEA investigations.

A DEA office in the PRC would forge the important alliance needed in the drug enforcement campaign targeting Golden Triangle traffickers. Increased cooperation with the PRC would bring significant pressure on Vietnam, Laos, and northern Burma, while Thai efforts increase pressure on the southern regions. PRC enforcement action in the South China Sea could have a substantial impact on maritime drug smuggling to Hong Kong, and in turn, to the United States.

Most significantly, starting in July 1997, Hong Kong will revert to Chinese control as a special administrative region. At that time, the Department of State will require all U.S. representatives in China to operate from the American Embassy in Beijing, thereby impeding DEA's ability to cover China through its Hong Kong Country Office.

DEA proposes to establish a country office in Beijing, and converting the Hong Country Office to resident office status. DEA would then transfer two Special Agent positions (including the country attache), and two contract technical/clerical positions from the DEA office in Hong Kong to Beijing. Three Special Agent positions, two administrative positions, and two contract technical/clerical positions would remain in Hong Kong. The \$580,000 requested includes operating and PE/PI expenses, equipment costs, permanent change of station (PCS) costs, foreign affairs administrative support (FAAS) charges, and other miscellaneous expenses.

- o Represents DEA at national and international conventions and meetings concerned with control of legitimate drugs, precursors and essential chemicals, and diplomatic initiatives designed to ensure appropriate drug and chemical diversion controls.
- o Formulates additional legislation and regulations to curtail the diversion of controlled substances and listed chemicals from legitimate channels.
- o Criminal Diversion Investigations: An estimated 12,000 practitioners are involved in activities that violate the CSA and the ASCA. DEA identifies the highest level violators responsible for large scale diversion and conducts high quality, timely criminal investigations of their diversion activities. As the need arises, DEA develops special enforcement operations/programs (SEOPs) under its priority targeting system aimed specifically at highly abused controlled substances and/or major trafficking organizations for intensive investigative efforts.
- o Public Interest Revocation Investigations: DEA may deny any application for registration or immediately revoke or suspend a registration if it is determined that it would be inconsistent with the public interest.
- o CSA Mandated Cyclic Investigations: Cyclic investigations ensure that diversion does not occur at the manufacturer, distributor or wholesale levels of the distribution chain.
- o Pre-Registrant Investigations: Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.
- o State and Local Assistance: DEA assesses state programs aimed at suppressing the diversion of controlled substances from scientific, medical research and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership, and guidance to the states consistent with national objectives.
- o Chemical Act: DEA receives and determines the legitimacy of all import/export declarations of listed chemicals, including foreign firms importing chemicals from U.S. firms. DEA has the authority to stop suspect chemical shipments, to reject applications by chemical companies for "regular customer" status, and to follow up clandestine laboratory seizures to determine chemical supplier culpability, if any, in the diversion of listed chemicals. In addition, DEA is required to audit all U.S. chemical companies every three years.

ACCOMPLISHMENTS AND MORELOAD:

Chemical Control Program: Since passage of the Chemical Diversion and Trafficking Act (CDTA) in 1988, DEA has investigated 2,000 foreign chemical companies to affirm the legitimacy of their operations. Initially this resulted in approximately 70 firms being denied access to U.S. chemical exports, based upon reasonable suspicion that the chemicals would be diverted.

The Domestic Chemical Diversion Control Act (DCDCA) of 1993 went into effect in 1994. The elimination of the recordkeeping and reporting waiver for the single entity opiate drug products is designed to reduce the diversion of these products used to manufacture methamphetamine and thebaine. DEA will be implementing the registration requirements of the DCDCA in 1995 which will be required for all importers, exporters, manufacturers and distributors of List I chemicals.

International Chemical Initiatives: DEA continues to provide international leadership on the issue of international chemical control. With Department of State funding support, DEA organized a chemical operations conference and training course in Bangkok, Thailand, in October 1993 for Asian countries, with observers from the Commission of the European Union (EU), Germany, and the United Nations Drug Control Program. In addition, DEA held a similar conference in San Jose, Costa Rica, for Latin American countries. Both conferences helped focus and sharpen international efforts to prevent chemical diversion.

In 1994, DEA and the International Narcotics Control Board (INCB) completed an E-mail link that allows for real-time communication of intelligence related to chemical movement. In addition, a similar link has been established with the EU in Brussels, Belgium. This rapid communications capability should allow EU member states, as well as DEA, to quickly determine the bona fides of potential consignees for chemical exports before the export actually takes place, thereby greatly reducing the risk of diversion. In addition, DEA has continued its cooperation with the Organization of American States/OAS with regard to chemical training for Latin American and Caribbean countries.

During 1994, DEA and the Colombian National Police (CNP) conducted raids on all locations of a major chemical distributor in Colombia and the largest importer of cocaine essential chemicals. The investigation resulted in the revocation of all its chemical import permits by the Colombian Government. In addition, the firm voluntarily suspended the import of controlled chemicals into all other South American facilities. This investigation was funded through Special Enforcement Program (SEP) Operation Drumbeat. Also in 1994, the DEA was instrumental in coordinating a border control initiative along the Bolivian/Colombian Border, designed to interrupt the flow of cocaine chemicals.

Operationally, DEA has been heavily involved with investigations relating to the massive diversion of ephedrine by organized Mexican methamphetamine trafficking organizations. These investigations are international in scope, involving Switzerland, India, the United Arab Emirates, the Czech Republic, and Mexico. In 1994, there were several large (metric ton quantities) of ephedrine seized in the United States and Europe, which was destined for Mexico. In addition, DEA's efforts have resulted in the suspension of large ephedrine exports to Mexico, when it was discovered that there was reasonable suspicion to believe the chemicals would be diverted. DEA is presently undertaking diplomatic initiatives with the countries involved eliminating sources of ephedrine supply for the Mexican traffickers.

	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
State and Local Task Forces.....	704	696	\$85,663	704	700	\$82,168	704	700	\$82,168	...	...	...
LONG RANGE GOAL: Ensure a maximum contribution from state and local governments and engender intergovernmental cooperation to reduce drug availability and immobilize major drug trafficking organizations at all levels.												
<u>MAJOR OBJECTIVES:</u>												
o	Conduct quality investigations leading to the arrest, prosecution, and conviction of drug traffickers, as well as the financial immobilization of their organizations.											
o	Establish and maintain an effective intelligence exchange with participating state and local law enforcement agencies to enhance and expand the Federal drug law enforcement intelligence network.											
o	Develop intelligence and investigations that become a springboard for more complex Federal investigations, launched as a result of the initial efforts of a task force.											
<u>BASE PROGRAM DESCRIPTION:</u> The State and Local Task Force Program effectively enlists the resources and support of state and local enforcement agencies in Federal drug enforcement efforts. The task force program assists in fulfilling DEA's responsibility to provide a diverse, creative, and all-encompassing Federal response to the multi-faceted and complex drug problem. By working together, DEA Special Agents and state and local police officers achieve increased cooperation and communication that aids the investigative process at the working level, making DEA's cases more productive. The program expands the work force under DEA's supervision; provides state and local officers with special equipment and conveyances when needed for DEA undercover operations; contributes substantial intelligence to DEA's data bases; and achieves enhanced cooperation with local banks, thus improving DEA's ability to obtain emergency flashfolds and temporary storage of funds.												
<u>ACCOMPLISHMENTS AND WORKLOAD:</u>												
	1993	1994	1995	1996								
	Actual	Actual	Estimate	Estimate								
Investigative Workhours												
by Case Class												
Class I	267,791	279,270	277,123	277,123								
Class II	136,666	124,891	123,931	123,931								
Class III	109,869	125,444	124,480	124,480								
Class IV	19,394	16,124	16,030	16,030								
Subtotal	532,630	545,759	541,564	541,564								
General File Workhours	57,103	44,779	43,839	43,839								
Total	589,733	590,538	585,403	585,403								

Investigative Arrests by Case Class	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Class I	1,506	1,422	1,411	1,411
Class II	1,464	1,273	1,263	1,263
Class III	1,824	1,850	1,836	1,836
Class IV	910	685	680	680
Total	5,704	5,230	5,190	5,190
Convictions				
Federal Court	2,624	2,203	2,186	2,186
State Court	1,944	1,684	1,671	1,671
Drugs Removed				
Heroin (kg.)	82	64	64	64
Cocaine (kg.)	5,442	6,027	5,981	5,981
Cannabis (kg.)	21,646	20,233	20,077	20,077
Dangerous Drugs (000 D.U.)	36,812	32,693	32,442	32,442
Asset Seizures (\$000)	124,292	117,372	116,470	116,470

Productivity of the State and Local Task Force Program

- o There are 84 program funded task forces and 26 provisional task forces.
- o The task forces include 1,571 state and local officers and 698 DEA Special Agents.
- o In 1994, more than 19 percent of DEA's Special Agents were assigned to the State and Local Task Force Program.
- o Task force activity accounted for 31 percent of total DEA arrests.
- o Asset seizures attributed to state and local task forces accounted for 16 percent of all DEA seizures in 1994.
- o Half of all investigative workhours were expended on Class I violators.
- o Approximately 13 percent of DEA's cannabis seizures and 21 percent of all dangerous drug seizures were made through the State and Local Task Force Program.

A recent example of a task force working together to combat violent drug trafficking was in Savannah, Georgia. DEA worked with the Savannah Police Department, Chatham County Metro Drug Squad, BAPF, IRS, and the U.S. Marshall's Service to arrest members of the Ricky JIVENS organization, a violent drug trafficking gang responsible for distributing 20 to 25 kilograms of cocaine per week. The investigation revealed that high-level members of the organization were required to commit murder as an initiation rite to secure their positions in the gang.

The task force collected evidence to aid in prosecuting at least seven homicides, as well as thwarting widespread drug-related violence by causing the indictment of 18 gang members. The organization's leader, Ricky JIVENS, was sentenced to life imprisonment and a \$1 million fine. As a result of this investigation, the homicide rate in Savannah dropped by one-third when this organization was dismantled.

Yet another example of how dismantling a drug trafficking organization can have a major impact on the crime rate in an area is the Donovan ELLIS investigation conducted by the Southeast Florida Regional Task Force. ELLIS purchased, on the average, one kilogram of powdered cocaine per day from Cuban nationals in Miami. ELLIS et al. transported the cocaine to Fort Lauderdale, and processed it into crack cocaine to be distributed and sold on the streets of Fort Lauderdale. ELLIS had as many as seven crack cocaine stash houses at one time.

The increased sale/use of crack cocaine caused an enormous rise in the number of burglaries, assaults, armed robberies, home invasions, and attempted murders in these neighborhoods. Also, ELLIS used teenagers to distribute crack cocaine in the local high schools. ELLIS used fear and intimidation to control the neighborhoods where crack was sold openly. Only those persons involved in the organization and those purchasing the crack were allowed to move freely through the areas.

The ELLIS organization was dismantled with the arrest and indictment of every top-level member of the organization, including the Cuban sources of supply. The neighborhoods previously controlled by the ELLIS organization have returned almost to normal activity. A study conducted during one six-month period of narcotics trafficking by the ELLIS organization indicated there were approximately 200 "911" service calls per month. Following the arrest and indictment of the ELLIS organization members, another six-month study was conducted and reflected a 95 percent decrease in "911" service calls (down to ten service calls per month). This dramatic reduction in crime illustrates that violent crime accompanies the distribution of crack cocaine within the community and further illustrates the amount of police resources that are being expended to combat this disorder.

Another significant task force case took place in the late spring of 1993 in the Charlestown section of Boston, Massachusetts. Charlestown, a working class neighborhood, has more than 14,000 residents. The area had been steeped in a tradition of violence--violence attributed to a local drug trafficking group notorious for its PCP and cocaine distribution. Between 1975 and 1993, 49 drug-related murders had been committed in this small community, and less than 25 percent of these had been solved. These statistics, when compared to 48 murders with a 77 percent resolution rate in a larger, neighboring community, take on significant meaning. The residents of Charlestown had a "code of silence" or "code of fear" that prevented potential witnesses from speaking to law enforcement out of concern for their own safety and the well-being of their families.

For some time DEA, with the assistance of the Boston Police Department and the Housing Police, had targeted Charlestown's PCP and cocaine distribution activities. The task force had four principal objectives: develop prosecutions on targeted PCP and cocaine organizational leaders and subordinates; identify and arrest PCP suppliers in New York City; develop complex cases and criminal charges against defendants responsible for the drug trafficking and murders which would result in 20-30 year sentences; and to break the code of silence in Charlestown. As a result of the task force, 25-30 of the organizations members were indicted and a number of drug related murders solved.

ACTIVITY: INVESTIGATIVE SUPPORT	1995 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Intelligence.....	649	665	\$81,431	649	669	\$83,377	649	669	\$83,377	...	...	...
Laboratory Services.....	321	312	23,252	321	319	32,079	321	319	32,079	...	...	...
Training.....	118	117	24,541	118	117	19,773	118	117	19,773	...	...	...
Research.....	408	405	84,124	408	406	89,358	408	406	91,008	...	...	\$1,650
Technical Operations.....	105	104	39,131	98	97	46,250	98	97	54,500	...	...	\$8,250
Automated Data Processing.....	1,601	1,594	\$235,439	1,594	1,606	\$251,437	1,594	1,606	\$251,337	...	...	\$9,900
Total:												

This budget activity supports investigations by providing: intelligence, training, technical equipment, evidence analysis and information services. Funds requested for this activity include personnel, equipment, etc. necessary to support investigations of Federal drug law violations.

1995	Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount	Pos.	NY	Amount
Intelligence.....	649	665	\$81,431	649	669	\$83,377	649	669	\$83,377	...	...	...

LONG RANGE GOAL: Identify, develop, and exploit information and intelligence necessary to enhance the effectiveness of drug law enforcement.

MAJOR OBJECTIVES:

- o Provide tactical intelligence on the location and movement of specific targets which require an immediate law enforcement response.
- o Collect, analyze, and disseminate drug-related intelligence in direct support to investigations of major drug trafficking organizations.
- o Provide intelligence support for money laundering cases and develop intelligence profiles and trend analyses to target enforcement efforts in money laundering investigations.
- o Provide current and comprehensive strategic intelligence on drug trafficking patterns and trends for use in DEA and national drug control policy planning.

BASE PROGRAM DESCRIPTION: DEA's Intelligence Program is comprised of four components: financial, operational, and strategic intelligence, and the El Paso Intelligence Center (EPIC). Each serves a vital investigative support function.

The financial intelligence program focuses on the fiduciary aspects of the drug trade. The program supports enforcement efforts by providing direct case support through the identification of assets and the development of financial conspiracy investigations.

The operational intelligence program exploits information available to DEA in direct support of active drug investigations. Such support is provided through the collection, collation, and analysis of the vast (and often conflicting) available information linking events and individuals involved in drug trafficking.

The strategic intelligence program develops comprehensive assessments of drug trafficking patterns, availability and consumption trends, and long-range supply reduction assessments.

EPIC is a multi-agency facility providing the law enforcement community with all-source tactical intelligence pertaining to the interdiction of drugs, weapons, and aliens. EPIC provides 24-hour, seven-days-a-week support for drug law enforcement and interdiction operations.

The National Drug Intelligence Center (NDIC) is a multi-agency facility, established to bring together the collective analytical capabilities of all agencies to produce comprehensive analyses of drug trafficking and trafficking organizations. DEA serves as the deputy director of NDIC and also provides a share of the intelligence analyst support.

ACCOMPLISHMENTS AND WORKLOAD:

Supported priority investigations through the analysis of large volumes of documents seized from raids against the Medellín and Cali Cartels. Information derived from this analysis contributed to numerous investigations and prosecutions and resulted in the seizure of large amounts of cash.

Supported Operation Tiger Trap, which resulted in the arrest of ten high level Shen United Army (SUA)/Hong Tai Army (HTA) personnel in Thailand. Intelligence support included the development of target/biographical packages for operations in Thailand and the production of two intelligence file reviews, based on intelligence debriefings by the New York Division of key defendants, which provided background and functions of organizational members. U.S. indictments, issued by the Eastern District of New York, are outstanding on all ten defendants.

Provided on-site analytical support to a highly significant chemical control initiative undertaken by DEA and the Colombian National Police. The results included the seizure of over 1,750 tons of essential chemicals which could have been used to produce approximately 130 tons of cocaine. Document exploitation and analysis provided a basis for the surge in chemical enforcement operations, including raids against some 200 suspected chemical companies.

Consolidated management of the Intelligence Analyst Workstation (IAW), which is a group of independent prototype workstations made into a network with a number of analytical tools to support intelligence analysis. Combined with the enhanced ISLES workstation which provides a comprehensive array of applications, DEA is now poised to move forward on the MERLIN project. MERLIN will provide the communications infrastructure to permit transmission, accessing and sharing of unclassified and classified information within DEA.

Supported the development of the Joint DEA-FBI Drug Intelligence Database (DRUGX). DRUGX allows DEA and FBI users to query the combined drug-related records of both the FBI and DEA. This program will result in more efficient and effective drug enforcement investigations and prosecutions.

Continued to promote interagency cooperation in support of the NSD-18 SIGINT program, which supports drug law enforcement operations in the Andean Ridge. The program has a significant impact on cocaine production and smuggling operations in the region.

Managed the Defense Reporting Element (DRE) which provided invaluable reporting to Department of Defense command providing support to counterdrug efforts in various geographic regions. The DRE is an information sharing mechanism which routinely provides pertinent strategic and tactical DEA information to the counterdrug community. During 1994, the DRE provided 116 of all 600 counterdrug intelligence reporting.

Provided support to DEA's proprietary undercover operations, such as GREEN ICE and DINERO, by collating and analyzing the intelligence obtained from these complex, international investigations. Operation DINERO alone resulted in the seizure of some \$52 million in currency and real property.

Expanded Operation BREAKTHROUGH from Bolivia into Peru. The project aimed at gathering precise scientific data about coca cultivation and cocaine based processing in the Andean region. The operation previously provided hard data on the efficiency of clandestine laboratories in Bolivia. There, the operation conclusively determined per hectare yields and the cocaine alkaloid content of coca varieties cultivated in Bolivia.

During 1994, the Special Field Intelligence Program (SFIP) funded 22 SFIPs, allocating more than \$1.4 million for the operation of these programs. The SFIPs were responsible for developing 59 cooperating individuals. Information collected under these programs led to the initiation of 51 criminal drug investigations, which resulted in the arrests of 1,050 persons and the seizure of 265 metric tons of marijuana, 40 metric tons of cocaine, 30 metric tons of hashish, 80 kilograms of opium, 17 metric tons of heroin, 63 kilograms of morphine base and 1,897 liters of hashish oil. Assets seized during the fiscal year were valued at more than \$6.6 million and included businesses, residences, aircraft, vehicles, vessels, weapons, jewelry, gum stones, cash and other negotiable financial instruments.

EPIC continues to provide 24-hour, seven day-a-week support for drug law enforcement and interdiction operations at the Federal, state, and local levels. Through the end of the third quarter of 1994, 535,674 information queries were forwarded to EPIC by participating agencies. EPIC lookouts were instrumental in seizures of 25,623 kilograms of marijuana, 41,333 kilograms of cocaine, 13 kilograms of hashish, 24 aircraft, and 30 vessels. The preceding seizure figures reflect only those seizures which were the result of active lookouts. EPIC provided continuous operational and analytical support to several multi-agency efforts to locate and destroy clandestine cocaine laboratories in South American source countries; to multi-agency efforts targeting drug interdiction along the Southwest Border; and to interdiction efforts across the U.S. interstate and state highway systems.

ACCOMPLISHMENTS AND WORKLOAD:

Actual 1993 and 1994 workload data for DEA Laboratory Services, as well as projected workload data for 1995 and 1996, are displayed in the following table:

ITEM	1993 ACTUAL	1994 ACTUAL	1995 ESTIMATE	1996 ESTIMATE
EVIDENCE EXHIBITS*	37,785	37,667	39,797	40,003
DEA**	25,144	24,001	26,131	26,337
FBI	2,164	2,996	2,996	2,996
U.S. CUSTOMS	2,509	2,936	2,936	2,936
OTHER FEDERAL AGENCIES	1,883	2,663	2,663	2,663
STATE AND LOCAL	184	180	180	180
D.C. METRO POLICE	5,691	4,767	4,767	4,767
OTHER	210	124	124	124
FINGERPRINT EXAMINATIONS**	33,533	40,505	44,100	44,447
PHOTOGRAPHS/FILM PROCESSED**	55,035	84,374	91,863	92,585
COURT APPEARANCES**	1,157	873	950	958
FIELD ASSISTANCE**	164	366	398	402
SOURCE DETERMINATION EXAMINATIONS**	1,282	1,729	1,882	1,897
HEROIN SIGNATURE ANALYSIS**	930	946	1,030	1,038
CHEMCOM**	1,785	876	954	961
DOMESTIC MONITOR PROGRAM	676	661	840	840

* Figures for 1994 are based on the actual number of completed drug evidence exhibits and do not reflect backlogs at the end of 1994 (1,797 exhibits).

** Projections for 1995 and 1996 are based on actual completed exhibits for 1994 and Special Agent Increases of 311 in 1995 and 30 in 1996.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Per. Pos.	MT	Amount	Per. Pos.	MT	Amount	Per. Pos.	MT	Amount	Per. Pos.	MT	Amount
Training.....	118	117	\$24,541	118	117	\$19,773	118	117	\$19,773	...	...	...

LONG RANGE GOAL: Establish, maintain, and enhance the mission-related skills of DEA personnel to carry out their work responsibilities.

MAJOR OBJECTIVES:

- o Provide high quality entry level training for all Special Agents, diversion investigators, intelligence analysts, and forensic chemists.
- o Offer advanced and specialized in-service training to all DEA investigative personnel in order to provide the most current enforcement, firearms, and safety instruction available.
- o Provide supervisory, mid-level management, and executive development training for all appropriate agency personnel.
- o Provide foreign language training for all DEA personnel who require such training.
- o Provide firearms training, weapons, and supplies to DEA Special Agents.
- o Teach drug law enforcement tactics and techniques to state, local, military, and other federal government personnel involved in controlling illicit drug trafficking.

BASE PROGRAM DESCRIPTION: The DEA training program focuses on providing DEA personnel with the skills and knowledge necessary to fulfill DEA's mission. DEA's specialized training courses include entry-level training; advanced and in-service specialty training; management and supervisory training; and foreign language training.

ACCOMPLISHMENTS AND WORKLOAD:

Entry Level Training	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Basic Agent* Number of Classes	1	1	8	4
Number of Students	38	4	320	160
Diversion Investigator Number of Classes	0	0	1	1
Number of Students	0	0	30	30
Intelligence Specialist Number of Classes	2	0	1	1
Number of Students	46	0	22	22
Forensic Chemist Number of Classes	1	0	1	0
Number of Students	24	0	24	0

* This includes all requested or newly appropriated Special Agent positions (including ODEIF) along with Special Agent attrition. Note: The above statistics may not tie to the 1996 President's budget because year-end statistics were not available at that time.

Specialized DEA Training		1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Asset Removal*					
Number of Classes	9	19	9	9	9
Number of Students	384	697	364	364	364
Division Asset Removal**					
Number of Classes	52	88	52	52	52
Number of Students	1,930	2,909	1,930	1,930	1,930
Clandestine Laboratory***					
Number of Classes	8	3	8	8	8
Number of Students	448	118	448	448	448
Firearms Instructor					
Number of Classes	2	2	2	2	2
Number of Students	77	40	40	40	40

* The asset removal category includes all diversion asset forfeiture training, all international asset forfeiture training, and Dyncorp AFF training.

** Statistics for 1993 include training of DEA contract employees working in the Asset Forfeiture Program.

*** Statistics for 1993 include four classes (300 students) conducted by DEA Office of Training personnel in Australia.

Other Specialized Training		1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Miscellaneous*					
Number of Classes	84	92	92	92	92
Number of Students	3,540	3,518	3,518	3,518	3,518

* Denotes all other DEA training other than entry-level training. This includes all academic courses, field in-service courses, tactical, technical, executive development, executive management, and diversion training courses.

Outside Vendor Training		1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Professional/Admin.					
Tech./Clerical & Other					
Number of Students	858	1,017	1,092	1,092	1,092
Core Training					
Number of Students	463	304	304	304	304
Language Training					
Number of Students	163	76	76	76	76
Executive Development					
Number of Students	140	137	140	140	130

State and Local Training	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Drug Law Enforcement (Other)				
Number of Classes	353	304	300	300
Number of Students	16,641	17,622	16,500	16,500
Drug Unit Commander				
Number of Classes	2	2	2	2
Number of Students	80	76	80	80
Marijuana Eradication				
Number of Classes	32	22	20	20
Number of Students	2,277	1,091	1,000	1,000
Clandestine Laboratory				
Number of Classes	2	7	7	7
Number of Students	70	212	212	212
Asset Removal Schools				
Number of Classes	56	111	111	111
Number of Students	3,312	4,864	4,864	4,864

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	NY	Amount
Research, Engineering & Technical Operations.....	400	406	\$84,124	400	406	\$89,358	408	406	\$91,008	...	\$1,650

LONG RANGE GOAL: Support DEA enforcement and intelligence programs through research and development, procurement, maintenance, and management of technical investigative equipment and aircraft, and provide assistance to ensure maximum achievement of the agency's mission.

MAJOR OBJECTIVES:

- o Provide high quality technical/investigative support, radio communications, and polygraph support that will lead to increased productivity and effectiveness in investigations.
- o Increase the efficiency of DEA field operations through the development of new or improved technical investigative devices and application of scientific research.
- o Provide scientific and technological information, training, coordination, and liaison services for DEA and the national and international drug law enforcement and intelligence communities.
- o Acquire, maintain, and operate an efficient aircraft fleet with sufficient capabilities to meet all operational requirements.
- o Provide Special Agent/Pilots for domestic investigative support and foreign drug intelligence gathering and operational support.

BASE PROGRAM DESCRIPTION: The Research, Engineering and Technical Operations Program encompasses the following major program areas:

- o Provides new technology and scientific support to the operational elements of DEA;
- o Enhances technical equipment, aircraft, and personnel resources in a manner that allows DEA investigative personnel to maximize their efforts, enhance their personal safety, and accomplish the agency's mission; and
- o Ensures the effectiveness of DEA's enforcement effort by offering speed, mobility, vantage, and other qualities unique to aircraft operations. Such qualities permit the successful pursuit of drug investigations not possible with surface vehicles.

ACCOMPLISHMENTS AND WORKLOAD:

Aviation Programs:

In 1994, the number of air missions totaled 12,485, involving 27,798 aircraft flight hours. This represents an increase of five percent over 1993 in the number of hours flown. Approximately 82 percent of the missions and 80 percent of the flight hours were for domestic purposes; the remainder were in support of foreign operations. Fifty percent of the total missions were for surveillance, search, and undercover. A total of 1,496 arrests were directly attributed to air support. Approximately 57 percent of the arrests were Class I and II violators. In 1994, DEA had a 12 percent negative mission rate, or 1,498 unfilled mission requests.

Investigative Support and Radio Communications:

Below are the workload statistics and projections for the investigative support and radio communications area:

Item	1992 Actual	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Dialled Number Records	2,050	2,200	2,200	2,200	2,200
Title III's	290	320	320	320	370
Polygraphs	586	730	630	930	800

In 1994, 630 polygraph examinations were administered in support of drug investigations, internal investigations, and investigations conducted in cooperation with other agencies. We anticipate a significant increase in polygraph examinations in 1995 due to a polygraph screening program now in place for all Special Agent applicants.

The Computer Forensics Program which had been supporting major DEA investigations on an ad hoc basis has been established as an official program within DEA. Computer specialists and scientists will now be providing comprehensive support for DEA's domestic and overseas investigations.

Hardware and software seized in 1994 yielded significant information on drug distribution networks, including accounts receivable, organizational structures, records of shipments, and cash receipts records. In 1994, computer forensics personnel assigned on a collateral basis went on five overseas trips to assist foreign investigations. Technical Operations Section personnel provided technical guidance and support on countless domestic investigations.

Research and Development:

DEA continues to work with the Office of National Drug Control Policy (ONDCP), the Advanced Research Projects Agency (ARPA), and other law enforcement and intelligence agencies to develop strategies and technologies to enhance drug law enforcement's capabilities. The results of this effort can be seen in the following examples:

- o Prototype automated booking stations continue to be tested in domestic offices. These stations provide all pertinent information regarding suspects including fingerprints, physical descriptions, and computer generated photographs. This intelligence can be transmitted readily to domestic and overseas offices to assist in identification and apprehensions. The Automated Booking Project, now referred to as the Joint Automated Booking Station (JABS), has received funding from the Working Capital Fund. DEA personnel are now working closely with the Department components and other federal agencies to develop a station capable to support a wide range of law enforcement needs.
- o Satellite, radio frequency, and cellular telephone tracking systems continue to be field tested. These systems provide "real-time" locations of drug shipments and suspects, and will also improve personnel safety by providing search and location information.
- o DEA, in cooperation with the Department of Agriculture, DoD and foreign governments conducted detailed on-site scientific studies designed to estimate total Andean cocaine production. The focus of the effort was to accurately measure and report on key cocaine production variables which heretofore had never been scientifically analyzed. Specific objectives included measurements of coca leaf yields and purification efficiency of the various lab processes used by illicit lab operators. This project, supported by ONDCP, has proved extremely successful and will be expanded in 1995.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	NY	Pos.	NY	Pos.	NY
Research, Engineering & Technical Operations.....	408	406	408	406	...	...
		\$99,358		\$91,008		\$1,650

DEA requests \$1,650,000 advanced digital telephony equipment.

Traditionally, drug traffickers have used "fixed point" telecommunications, where communications are transmitted to a fixed location corresponding to a specific telephone number. In these instances, for court authorized wiretaps, the telephone companies are able to provide DEA with an access point that virtually assures the intercept of all communications associated with the suspected violator's telephone number.

Recent and continuing advances in the telecommunications industry have resulted in technologies and services that negate the necessity for communications to be transmitted to a fixed point. In fact, emerging technologies now enable users to initiate and receive calls without regard to their geographical location. For example, drug traffickers use cellular telephones and pagers almost exclusively to communicate. Now, technological advances enable transmission of multiple and simultaneous communications of many subscribers through fiber optics (digital communications). This advance makes it difficult to isolate communications specific to the telephone number in a court order, to the exclusion of all the other subscribers' communications.

By 1996, most of DEA's intercept equipment will be obsolete because of this new technology. DEA is working closely with the FBI to develop equipment that will intercept this new technology. DEA estimates it will cost approximately \$33 million to provide integrated digital technology to each of DEA's 20 divisions. DEA will phase in this initiative over five years. DEA is requesting \$1.65 million in 1996 to provide integrated digital technology to the New York Division office, historically a hub for wire intercepts. A total of \$7.8 million would be required each of the following four years in order to complete the integration. By doing one office the first year, DEA will be able to correct any problems that might be encountered before the system is in place agency-wide.

A breakdown of the equipment is as follows:

o RF Digital Cellular Telephone Intercept Systems.....	\$162,500
This equipment will allow DEA to intercept digital cellular communications.	
o Redhook (ISDM) Production Intercept Systems.....	\$162,500
This equipment will allow DEA to intercept regular digital telephones.	
o Advanced Intelligent Network (AIN) Systems.....	\$400,000
DEA will have to build various systems that would interface with the telephone company's switch equipment in order to obtain the dialed numbers and content information.	
o PCS Intercept Production Systems.....	\$200,000
The Federal Communications Commission is currently auctioning frequency spectrum allocations to support the new Personal Communications System. Equipment is required to receive the radio frequency emissions.	
o TSCC Intercept Production Systems.....	\$156,250
The telecommunications industry is presently experimenting with existing equipment to allow coaxial cable used for residential Cable TV (CATV) to deliver telephone services also. DEA will need equipment to intercept this form of communication.	

- o Forty line I-III Digital Logging Workstations.....\$412,500
These stations will replace current DNG and Title III units. This integrated system is capable of simultaneous collection, processing, storing, and managing multiple input audio and data while maintaining a central record. Multiple users can then analyze the stored audio and data without affecting the performance of contemporaneous monitored audio.
- o Audio Transcription Production Workstations..... \$19,500
This specialized equipment will allow for Title III oral interception.
- o Speaker Identification Production Systems.....\$137,500
The use of Speaker Identification/Voice Recognition Systems will assist case agents and other enforcement personnel in identifying an unknown speaker during and after Title III Oral interception.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount
Automated Data Processing.....	105	104	\$39,191	90	97	\$46,250	90	97	\$54,500	...	...	\$4,250

LONG RANGE GOAL: Provide high quality and timely information technology resources and telecommunications support that maximize the ability to meet DEA mission.

MAJOR OBJECTIVES:

- o sophisticated computer technology, provide DEA Special Agents, Division Investigators and Intelligence Analysts with accurate and investigative information.
- o to explore opportunities for information sharing with other Federal agencies and state and local law enforcement.
- o Enhance DEA's investigative efforts with the capability to automatically index and abstract investigative reports into the Electronic Case Management System through the development of the electronic DEA-6.
- o Continue improving the quality of information within existing DEA systems in support of DEA's mission and increase productivity in the delivery of information.
- o Ensure the security and integrity of data for all office, data processing, telecommunications, and teleprocessing systems and develop the capability to process and transmit classified drug intelligence information.
- o Increase quantities, capabilities, and support to office automation equipment in the domestic and overseas offices.
- o Modernize DEA information resources infrastructure to enable automation of text and document processing and thus reposition DEA in the technological mainstream.
- o Ensure DEA's continued computer operations through the maintenance of the DEA Continuity of Operations Plan (COOP).

BASE PROGRAM DESCRIPTION: This program provides all information technology services to DEA on a worldwide basis. This responsibility includes the maintenance of a modern Data Base Management System (DBMS) with retrieval capability that can establish relationships between various DEA data bases while also significantly improving the ability to query and file within those data bases. In addition to the DBMS, the information technology program is responsible for continually reviewing DEA's system needs in order to identify and develop systems applications that will result in the application of information technology to DEA's mission in an effort to maximize the efficiency and effectiveness of the agency. DEA maintains a number of permanent systems, including the following: Narcotics and Dangerous Drugs Information System (NDDOIS), Enforcement Management Information System (EMIS), Controlled Substances Act System (CSA), System to Retrieve Information from Drug Evidence (STRIDE), Automation of Reports and Consolidated Orders Systems (ARCOS I & II), and DEA Accounting System (DEAAS). Additionally, microcomputer applications are frequently developed for specific enforcement operations. DEA has a requirement to support investigations of illicit drug operations worldwide. The highly transient nature of subjects under investigation requires the support of a Secure Communication System, which includes, for both domestic and foreign office, secure voice, facsimile, teletypewriter communications, Communication Security (COMSEC) accounts, Law Enforcement Information Access Systems, and paging systems.

ACCOMPLISHMENTS AND WORKLOAD:

DRUGS: In June 1994, DEA implemented enhanced MADDIS software that provides DEA and FBI personnel worldwide computer access to investigative intelligence. This effort is the first phase of implementation of the Office of Investigative Agency Policies' (OIAP) mandate for information sharing among Federal law enforcement agencies.

National Drug Pointer Index (NDPIX): The Intelligence Division and the Office of Information Systems have initiated a requirements analysis to determine the feasibility of implementing NDPIX. The index will provide participating Federal, state and local law enforcement agencies with the ability to determine if a suspect is under investigation by any other participating agency.

Electronic DEA-6: Successfully developed and demonstrated an electronic process for creation, transmission, and query of DEA's investigative reports. Initial testing with DEA offices has been initiated, with plans to place the process into production status as testing proves successful. Query is provided through Multi Source Query (MSQ), thus combining all relevant DEA information for one presentation to the user.

Tollis System/Telephone Call Processing: DEA has established a program to centralize all phone data collected in toll, pen register, and wire investigations. A PC-based commercial off-the-shelf software package has been purchased and distributed throughout DEA to standardize the collection of pen register data in the wire rooms.

Narcotics and Dangerous Drugs Information System (MADDIS): MADDIS was used as the model for DRUGX, the DEA developed data base for the Joint DEA/FBI data sharing project. MADDIS continues to be DEA's primary enforcement and intelligence data base.

Information Resources Management (IRM): Following GSA and DOJ policy and procedures, DEA will develop an IRM Self Assessment Program to ensure compliance with these directives. The objective is to improve the effectiveness of DEA's Information Technology Program in support of the agency's mission. The first major initiative in the IRM Education Program was the publication of the DEA IRM Bulletin. The bulletin is published six times a year and is distributed throughout DEA. The bulletin emphasizes information that is important to supporting DEA's mission, goals and objectives, as well as a means to speed up the information flow process. The primary objective is to increase knowledge about DEA's information resources, where they are, how they are used, and how to obtain them in support of each employee's conducting day-to-day business activities.

Interagency Activity: The DOJ Office of the Inspector General (OIG) is conducting an IT Security audit of DEA's application systems. The DOJ Computer and Telecommunications Staff (CTSS) and DEA are participating in a Joint Certification & Accreditation (CMA) pilot project, which will be used as an example throughout the Department.

Information Technology Security: To date, risk assessments/vulnerability analyses (RA/Vas) have been conducted in the Washington Division Office and Baltimore District Office; the Dallas Division Office, Fort Worth Resident Office, and the Dallas/Fort Worth Airport Office; the Miami Division Office and Ft. Lauderdale District Office; the Los Angeles Division Office and Santa Ana Resident Office; EPIC and 22 applications on the Headquarters corporate system. The DEA RA/VA methodology has been approved by the DOJ CTSS and can be used throughout the Department. The DEA RA/VA methodology also was used for the DEA/FBI DRUGX Information Sharing Project.

Certification and Accreditation: The Office of Information Systems has developed a certification and accreditation (CMA) program plan for DEA's information technology systems. The DOJ CTSS Joint CMA project will be using DEA's CMA Program Manual and methodology. Future CMA plans include the office automation and intelligence systems.

Network Control Center (NCC): The periphonics system, which allows incoming calls to the NCC Help Desk to be answered via a telephone decision tree, is being enhanced to retain more information on the storage devices and enables changes to be made to the system very easily. These enhancements will also produce statistics, management reports and audit totals.

Continuity of Operations Plan (COOP): DEA's COOP underwent successful testing of all DEA level-one software applications at the DOJ backup and recovery facility. The computer facility, Office/Division, File Room, and EPIC were also successfully tested under the COOP.

Drug Intelligence Support: Project MERLIN, formally known as the Intelligence Analyst Workstation (IAW), will provide DEA Intelligence Analysts with advanced computer workstation technology and related information systems capabilities to assist them in the development of intelligence products that will enhance their ability to provide increased support to enforcement operations. A contract has been awarded for systems engineering and integration support for the development and installation of the communication network and development of the intelligence analyst workstation. Upon completion of a pilot test, the MERLIN initiatives will be deployed to select sites for operational evaluation and further development and refinement. **Data Base Administration:** The DBA Program is working to develop standards, consistent policies, and ultimately, cost effectiveness, through the elimination of redundancy. Accomplishments include: 1) the preparation of a DBA Program Management Plan, outlining the goals of the program; 2) development of a consolidated Information Systems Tracking Catalog; and 3) preparation for the development of a DEA-wide Data Dictionary capable of supporting not only mainframe-based systems, but also PC-based and LAN-based applications.

Automated Message Handling System (AMHS): An AMHS was installed within the DEA Headquarters Telecommunications Center. The AMHS allows the Telecommunications Center staff to communicate with all the different networks (i.e., AUTODIN, SWS, Department of State, etc.) from a single Message processing station. In addition, the system allows remote users, in both DEA Headquarters buildings, to review incoming message traffic on a real-time basis. Since a month of message traffic is stored on line, it is available analytically for analysts and staff coordinators conducting research. The capabilities of AMHS range from delivering an office daily message to electronic mail, to conducting a search and retrieval of messages. The capability to collect all messages pertaining to a particular topic received during the past 12 months. During 1995, the final phase of the AMHS will be developed and implemented. This enhancement will allow users to generate a message at a remote terminal and electronically transmit it across a fiber optic network to the Telecommunications Center where it will be properly formatted and entered into the proper network, virtually eliminating the need for paper copies of messages.

Nationwide Maintenance: Through DEA's Initiative, DOJ and DEA teamed up to obtain a department-wide maintenance contract that covers personal computers, communication equipment, and workstation relocations.

DEA Information Infrastructure Project: This project, titled FIREBIRD, is well underway to upgrade DEA's telecommunications, text and document processing capabilities. The communication network backbone has been designed and implementation is scheduled for 3rd quarter fiscal year 1995. Upon completion of a test pilot, there will be full deployment.

In addition to the above accomplishments, the Office of Information Systems also supports numerous DEA projects classified at the DEA sensitive level and above.

PROGRAM CHANGES:

	1995 Data			1995 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Per.	Amount
Automated Data Processing.....	98	97	\$46,250	98	97	\$54,500	...	\$8,250
DEA requests a total of \$0,250,000--\$7,400,000 for operations and maintenance support for DEA's new automated data processing system and \$850,000 for automated data processing equipment.								

The requirement for a new generation of office automation is particularly important because of recent decisions by the Office of Investigative Agency Policies (OIAP) requiring DEA and the FBI to share information with each other and other law enforcement agencies. Resource shortages have forced DEA to rely on an outdated office automation system that can neither keep pace with rapidly escalating workload requirements nor allow DEA to communicate with other agencies. As DEA has increased its interface with other agencies and its collection of data from foreign sources, the requirement to store and retrieve this massive amount of classified data has expanded significantly.

DEA's current office automation system has reached the end of its useful life cycle, with much of the available computer equipment bordering on obsolescence. As the leader in drug law enforcement, DEA's mission is dependent on gathering and manipulating information critical to the pursuit of drug investigations. When coupled with DEA's requirement to analyze and share this information throughout the agency and with other law enforcement agencies, the need for enhanced, user-friendly systems is critical.

In 1994, DEA's contract for office automation services and equipment expired. In 1994, the Attorney General directed DEA and the FBI to develop a joint office automation system. The Office of Management and Budget (OMB) supported this proposal, and recommended funding be provided from the

Department of Justice's Working Capital Fund (WCF). The Deputy Assistant Attorney General for Information Resource Management formed a working group composed of DEA, FBI and DOJ personnel to design this joint system.

The new system will be based on an "open system" architecture. The system will also provide users with the means to create, maintain, and share information not previously available in DEA in a more efficient manner. The project will encompass DEA's current information systems capabilities and incorporate new technology that will allow for the automation of mission-critical work efforts that are currently being done manually. If DEA does not proceed with a new system, the agency's ADP capabilities will deteriorate to the point that its information systems will no longer be a strategic asset.

The office automation system will address many of DEA's requirements by meeting several performance standards. Chief among these are:

- o Provides workstations for all employees dependent on automated systems.
- o Increases capabilities to process and exchange information.
- o Improves security of the system.
- o Achieves maximum return on information technology investments.
- o Moves DEA into the mainstream of information technology.
- o Increases the use of government standard products.
- o Provides the means to share information with other agencies.

Initially, the Department of Justice's working group decided to upgrade DEA's hardware infrastructure to the point where interoperability with all DOJ automation equipment would be possible in the future. In 1994, DEA received \$27.4 million from the Working Capital Fund to start these infrastructure improvements. The first phase of system implementation will accomplish: 1) expansion of the capabilities of DEA's existing communication network by installing high-speed T-1 lines; 2) automation of the information in DEA's file room (DEA-6 and other investigative forms); 3) allow nationwide transmission, storage, and retrieval of these electronic case files; and, 4) purchase of 1,832 workstations, software, file servers, communication processors, document scanners, and associated printers. Two of DEA's field divisions will have automated document and text processing capabilities at the division level.

Automation of DEA's file room and the introduction of text analysis and image processing are major components of the system. Text processing will enhance DEA's investigative efforts through the use of sophisticated text search and retrieval of investigative and administrative reports, directives, and manuals. The text processing initiative includes interaction with DEA's major R204 system--MADIS. Image processing will capture images of documents, photographs, maps, and fingerprints, and store these images on the computer in such a way that they can be displayed, manipulated, transmitted, printed, or analyzed to extract textual information.

Volumes of enforcement and intelligence information are contained in DEA's investigative reports and other related documents that cannot be effectively accessed by conventional manual methods. Currently, only a subsection of the information contained in case files can be analyzed because of limitations inherent to labor intensive manual systems. Text analysis will automate the extraction of data from investigative reports and store it as textual or image information in a central computer system available DEA-wide. Bringing together information from multiple automated stored sources and the ability to quickly analyze this information would save thousands of research hours with infinitely better chances of linking what may appear to be unrelated facts or observations.

The enhancement for office automation has been divided into two sections--\$7,400,000 to operate and maintain the equipment purchased with the support of the WCF in 1994 and \$850,000 to augment the purchase of equipment during the second phase of installation of the new system.

Operations and Maintenance

DEA has estimated recurring costs to support the first phase of system implementation at \$7,400,000. This cost would include equipment maintenance, wide area network services, division level system administration, and customer support.

Equipment maintenance, estimated at \$2,282,000, is absolutely essential to ensure that hardware will support mission critical systems. This maintenance is for communications hardware and software only. Maintenance for workstations is covered under warranty for the first year and when DEA's current workstations are phased out with the implementation of FIREBIRD, the FIREBIRD workstations will be covered under the maintenance contract that currently covers DEA's PCs and OA workstations. The anticipated increase of electronic data being transferred must be supported by a

wide area network (WAN) sufficient to rapidly transfer large amounts of data. Because the WAN is critical to DEA operations, it must be properly maintained and upgraded to ensure that the users have a dependable system and adequate response times to queries.

Communications costs will also increase due to the installation of high-speed T-1 lines. It is estimated that it will cost DEA \$1,674,000 to operate the FIREBIRD WAN for a full year with backup sites.

The application of new and more sophisticated ADP technology will require ADP expertise in the area of system administration and support. ADP professionals known as Field Information Resource Specialists (FIRS) would maintain system operation and provide the maximum operational capabilities to system users on site at the division level. The FIRS would be trained in all user platforms. The FIREBIRD system is much more complex than DEA's current office automation system; therefore, users will need day-to-day guidance in addition to the initial training that each field division will receive during implementation. The cost for FIRS is \$2,200,000. This will provide one FIRS to each field division and two for Headquarters.

DEA will require \$1,246,000 in customer support funding. Customer support is composed of sophisticated help desk augmentation to include software engineering support, reconfiguration of system upgrades, and integration of various platforms. The technology involved in a complex system such as FIREBIRD is constantly changing. DEA requires this support at Headquarters and in the field as needed.

It is critical for DEA to establish this operations and maintenance base through the budget. Until 1996, this project will have been funded through the MCF only. In order to maintain this system in the future, and maximize the investment made in the project, DEA must secure a funding base to support this system.

Second Phase of Installation

DEA requests \$850,000 to augment the purchase of equipment during the second phase of installation. In addition, DEA will reallocate \$5,400,000 from its base funding that was originally given to DEA to fund the construction of the Alliance Airport--to begin phase II of FIREBIRD implementation. DEA has completed and received Department of Justice approval on all planning and configuration documents for this infrastructure upgrade.

The objectives of the second phase of system implementation are:

- o Enhance agency-wide accessibility of case file information;
- o Apply new technology and services;
- o Improve the performance and proximity of automation supporting the mission of the agency and its administrative functions;
- o Provide the necessary communication backbone to fully implement Project MERLIN.

In order to fully exploit the benefits and capabilities of the infrastructure system, all offices within DEA must be included in the upgrade. The first phase will extend document and text processing to, at most, two of the divisions. With the enhancement of \$850,000 and the reallocated \$5,400,000, DEA will extend automated document and text processing to the remaining division offices and EPIC. DEA will also purchase additional workstations as well as associated software, document scanners, and printers. The total cost of the FIREBIRD project is projected to be \$100 million. As DEA receives additional resources for this project, implementation can continue.

ACTIVITY: PROGRAM SUPPORT	1995 Availability		1995 Base		1995 Estimate		Increase/Decrease	
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Management and Administration--	715	\$78,575	715	\$71,955	715	\$71,955	---	---
Total:	715	706	715	710	715	710	---	---

LONG RANGE GOAL: Develop, maintain, and provide effective and efficient management, executive direction and control, and administrative support functions to ensure maximum achievement of DEA's mission.

MAJOR OBJECTIVES:

- o Provide quality management, direction, and control through policy development; provide accurate and timely information to Congress, specific interest groups, and to the public regarding DEA's mission and activities; provide a full range of legal services to the agency, and provide centralized program coordination and reporting of asset forfeiture processing.
- o Provide effective budget planning, formulation, and execution; an efficient DEA financial accounting and reporting system in compliance with OMB/GAO directives; and strong management procedures and internal controls via OMB Circulars A-123 and A-76.
- o Investigate instances of integrity misconduct within DEA; maintain financial accuracy and timeliness through internal audits; effectively monitor and evaluate all programs within DEA through inspections for mission accomplishment and operational performance; and provide physical, facility, and information security to DEA.
- o Continue an effective strategic planning process for DEA, including further development of the Strategic Management System and Field Management Plan; establish statistical systems for drug seizures, drug arrests, and asset seizures; and serve as a clearinghouse for DEA statistical measures.
- o Manage office and special purpose space to meet DEA mission requirements as well as provide effective management in administrative areas for employees concerning relocation, procurement, contracting, and office services.
- o Upgrade the maintenance, retrievability, and disposition of DEA files through the application of records management practices and technology; provide administrative and operational directives to management services for prompt dissemination of policy and procedures. Provide effective reports management through cost benefit analysis, management of a reports information data base, and periodic reviews of reporting requirements; and provide specialized forms design and analysis for drug enforcement programs and electronic data processing systems.
- o Provide a safe and efficient motor vehicle fleet to conduct undercover investigations and for other investigative purposes.
- o Respond to all requests to DEA involving Freedom of Information and/or Privacy Act information.
- o Provide an effective human resources program including position management and compensation for employees, merit pay, benefits, awards, and retirement services; validate personnel procedures and practices in areas of employee performance appraisal, selection, promotion, and discipline; and provide necessary health services, including drug testing and employee physical examinations.

BASE PROGRAM DESCRIPTION:

- o This program is responsible for setting policy, providing solutions to problems in program formulation, management functions and internal control, as well as ensuring the effective development and utilization of resources so that goals and objectives continue to be met.
- o Staff Operations: Responds to Congressional, media, and public inquiries; provides DEA officials with reports on Congressional activities; issues press releases; prepares text of speeches, talking points, and Congressional testimony; and prepares legal briefs, opinions, and presentations; and provides technical legal training in regulatory and criminal matters, civil litigation, seizures, forfeiture of assets, personnel, equal employment opportunity, procurement, and international matters.

- o Financial Management: Prepares DEA's budget; develops and maintains DEA's resource allocation plans; and operates DEA's accounting system.
- o Planning and Inspection: Advises management on all matters pertaining to planning, policy analysis, statistical systems, integrity/misconduct matters, and personnel, document, and physical security.
- o Personnel Operations: Manages classification; pay and position management; employee relations, assistance, and benefits; recruitment and placement; health and safety; personnel systems automation development; and validation and analysis of personnel procedures. The Office of Personnel also advises and assists managers and employees on personnel matters, develops policy and provides guidance for the effective management of the work force.
- o Equal Employment Opportunity: Ensures that DEA focuses on legal and moral responsibilities in selecting and managing its work force. This prevents discrimination and morale problems and assures the equitable treatment of all DEA employees.
- o General Services: Provides DEA's administrative support including: the acquisition and utilization of space; operation, maintenance, and repair of office and special facilities; permanent change of station orders; relocation benefits; office supplies; formal procurement contracts and requisitions; office furniture and equipment; and DEA's motor vehicle fleet.

ACCOMPLISHMENTS AND WORKLOAD:

Demand Reduction: Education to counter drug legalization efforts became a major area of focus for DEA's Demand Reduction Program during 1994. Following a DEA-sponsored Anti-Legalization Forum attended by representatives of law enforcement, community groups and academia, a book and a videotape examining legalization issues were published. Police chiefs and others speaking out in the community against legalization were priority recipients of these materials.

Violent crime was another area given increased attention by DEA. Criminal violence was addressed, where appropriate, within DEA's six national demand reduction priority categories including: Drugs in the Workplace, Sports Drug Awareness, Minority and High-Risk Youth, User Accountability, Law Enforcement Training and Support of Community Coalitions.

A well received DEA pilot program was used to assist law enforcement officers in the nationwide school-based D.A.R.E. (Drug Abuse Resistance Education) Program. DEA Demand Reduction Coordinators packaged two-day training seminars in pharmacology for veteran D.A.R.E. officers to deepen their understanding of the nature of major drugs of abuse.

Finally, DEA was deeply involved in the negotiations that led to a major health insurance carrier reducing its premiums for businesses in Washington State that had comprehensive drug prevention programs in their workplaces.

Transportation:

	FY 1994	FY 1995 ESTIMATE	FY 1996 ESTIMATE
PASSPORT/VISA REQUESTS	1,163	1,279	1,407
PCS MOVES	400	450	500
TOUR RENEWALS	107	110	120
EDUCATIONAL TRAVEL ORDERS	43	60	65

Equal Employment Opportunity: From 1987-1991 an average of 16.6 discrimination complaints were filed each year. In 1992, 33 new complaints were filed. In 1993, 39 complaints were filed, and in 1994, 50 complaints were filed. Currently, a total of 90 complaints are being processed (this includes complaints from other bureaus that were assigned by the Department of Justice due to conflict of interest issues).

Personnel: During 1994, DEA assisted 4,658 employees and family members through employee assistance counseling and services. In addition, DEA completed 2,641 physical examinations, handled 4,239 clinic visits, and processed 744 drug tests. DEA also processed 132 retirements and 1,780 award actions. In 1995, DEA will hire 311 new Special Agents. Procedures for hiring include using a nationwide vacancy announcement, a structured and validated interview process, and a polygraph examinations. In the near future, DEA will continue to explore additional hiring methods such as psychological testing to assess the suitability of personnel for law enforcement work. Hiring plans for 1995 are already well underway.

Drug Enforcement Administration
Salaries and Expenses
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	DOMESTIC ENFORCEMENT		FOREIGN, COOPERATIVE INVESTIGATIVE PROGRAM		RESEARCH, ENGINEERING, & TECHNICAL OPERATIONS		ADP		TOTAL	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grads:										
GS - 13.....
GS - 12.....
GS - 11.....
GS - 6.....
Total positions and annual rate
Lapse (-).....
Other personnel compensation.....
Total workyears and personnel compensation.....
Personnel benefits.....
Travel and transportation of persons.....
Transportation of things.....
GSA rent.....
Rental payments to others.....
Communications and utilities.....
Printing and reproduction.....
Other services.....
Supplies and materials.....
Equipment.....
Land and structures.....
Total program workyears and obligations
changes requested, 1996.....	...	2,200	...	580	...	1,650	...	8,250	...	12,680

Drug Enforcement Administration
Salaries and Expenses
Status of Construction and Summary of New Facility Requirements
(In thousands of dollars)

Project	Budget Request or Appropriation						Current Status Obligations to Date	Total Current Cost Estimate or Actual	Stage of Programs	Expected Completion Date
	Planning and Site Acquisition		New Construction		Total Funding					
	Fiscal Year	Amount	Fiscal Year	Amount						
	1993	750*	1993	...	750	750				
EPIC Expansion			1994	**4,000	4,000	4,000	...	4,000	Design	1998
			1995	***1,800	1,800	1,800	...	1,800		
			TOTAL	5,800	5,800	5,800	...	5,800		

* \$2,000,000 was provided in the Special Forfeiture Fund through the Treasury/Postal Appropriation in 1993. Supplemental language was submitted to and approved by the Congress, allowing \$1,250,000 of the original \$2,000,000 to be redirected to support EPIC's on-going ADP upgrades. The remaining \$750,000 was used for the EPIC expansion project.

** \$4,000,000 was provided in the Special Forfeiture Fund through the Treasury/Postal Appropriation in 1994 to begin construction.

*** \$1,800,000 was provided in the Special Forfeiture Fund through the Treasury/Postal Appropriation for furniture and furnishings to complete EPIC expansion project

Drug Enforcement Administration
Salaries and Expenses
Priority Rankings

Base Program		Program Increases	
Program	Ranking	Program	Ranking
Domestic Enforcement	1		4
State and Local Task Forces	2		
Foreign Cooperative Invest.	3		2
Intelligence	4		
Research, Engineering, &	5		3
Technical Operations	6		
Training	7		
Laboratory Services	8		
Management and Administration	9		1
Automated Data Processing	10		
Drug and Chemical Diversion			
Control			

Drug Enforcement Administration
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Availability	1996 Request	
			Base	Total Authorized
Attorneys (905)	44	44	44	44
Other Legal and Kindred (900-999)	15	15	15	15
Legal Instruments Examining Series (963)	29	29	29	29
General Investigating Series (1810)	55	55	55	55
Criminal Investigating Series (1811)	2,577	2,887	2,834	2,834
Miscellaneous Inspectors Series (1802)	75	75	75	75
Other Miscellaneous Occupations (001-099)	16	16	16	16
Intelligence Series (132-134)	399	402	402	402
Personnel Management (200-299)	82	88	88	88
General Administrative, Clerical and Office Services (300-399)	1,652	1,672	1,665	1,665
Biological Sciences (400-499)	4	4	4	4
Accounting and Budget (500-599)	101	101	101	101
Medical, Dental and Public Health (600-799)	7	7	7	7
Engineering and Architecture Group (800-899)	6	6	6	6
Information and Arts Group (1000-1099)	19	19	19	19
Business and Industry Group (1100-1199)	9	9	9	9
Physical Sciences Group (Other than Chemists) (1300-1399)	10	10	10	10
Chemist Series (1320)	197	207	207	207
Library and Archives Group (1400-1499)	3	3	3	3
Mathematics and Statistics Group (1500-1599)	10	10	10	10
Equipment, Facilities and Service Group (1600-1699)	40	40	40	40
Education Group (1700-1799)	3	3	3	3
Supply Group (2000-2099)	22	22	22	22
Transportation (2100-2199)	6	6	6	6
Ungraded (Wege Grade & Foreign Service Local)	21	21	21	21
Total	5,408	5,761	5,691	5,691
Washington	1,137	1,244	1,204	1,204
U. S. Field	3,696	3,932	3,919	3,919
Foreign Field	675	675	668	668
Total	5,408	5,761	5,691	5,691

**Drug Enforcement Administration
Salaries and Expenses
Schedule of Domestic Motor Vehicles**

Method of Acquisition and Type of Vehicle	1993 Actuals			1994 Actuals			1995 Estimates			1996 Projection		
	End of Year Inventory	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	Average Cost	Acquired	Disposed
Direct Purchase:												
Large sedan	35	238	92	36	650	425	35	675	875	\$13,613	675	875
Midsize sedan	1,846	123	99	2,089	650	425	2,214	675	875	...	675	875
Compact sedan	636	...	4	640	...	...	640	...	...	...	...	...
Subcompact sedan	20	...	...	18	...	...	...	...	...	...	...	...
Small sedan	0	...	...	0	...	...	...	...	...	...	...	...
Station wagon	36	...	19	17	...	...	17	...	...	...	...	...
Van	41	8	5	44	...	...	44	...	...	...	...	...
Bus	2	...	...	2	...	...	2	...	...	...	...	...
4-wheel drive	211	28	8	231	...	...	231	...	...	...	...	...
Special purpose	...	...	...	...	...	...	...	...	...	...	...	...
Sedan	9	...	...	9	...	...	9	...	...	...	...	...
4-wheel drive	41	...	...	41	...	...	41	...	...	...	...	...
Other	71	...	...	71	...	...	71	...	...	...	...	...
Trucks:												
Pickup	7	...	4	3	...	...	3	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal purchased	3,054	395	231	3,216	550	435	3,343	675	875	\$13,613	675	875
Leased:												
Midsize	6	6	6	6	...	...	...	...	...	...	...	...
Seized or not cost excess												
Limousine	1	...	...	1	...	...	1	...	...	...	...	...
Large sedan	3	...	...	3	...	...	3	...	...	...	...	...
Midsize sedan	275	67	68	274	200	188	288	800	188	...	800	188
Other	733	200	237	899	...	...	899	...	...	...	...	...
Subtotal seized	1,012	267	265	974	200	188	989	100	188	\$13,613	100	188
Total vehicles	4,072	668	542	4,189	750	613	4,339	775	863	\$13,613	775	863

**Drug Enforcement Administration
Salaries and Expenses
Schedule of Foreign Motor Vehicles**

Method of Acquisition and Type of Vehicle	1993 End of Year Inventory			1994 Actuals			1995 Estimates			1996 Projection			End of Year
	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	Average Cost	
Direct Purchase:													
Large sedan	76	19	94	1	1	94	...	...	...	4	...	...	0
Midsize sedan	...	...	...	...	...	...	...	...	...	...	...	\$27,000	94
Compact sedan	61	15	46	...	...	...	...	...	...	...	...	...	8
Subcompact sedan	...	...	...	...	...	...	...	...	...	...	...	...	...
Small sedan	...	...	...	...	...	...	...	...	...	...	...	...	...
Station wagon	...	...	...	...	...	...	...	...	...	...	...	...	...
Van	...	...	...	...	...	...	...	...	...	...	...	...	...
Bus	...	...	...	...	...	...	...	...	...	...	...	...	...
4-wheel drive	188	47	187	...	...	...	...	...	...	...	...	...	187
Special purpose	...	...	...	...	...	...	...	...	...	...	...	...	...
Sedan	...	...	...	...	...	...	...	...	...	...	...	...	...
4-wheel drive	...	...	...	...	...	...	...	...	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...	...	...
Trucks:	...	...	...	...	...	...	...	...	...	...	...	...	...
Pickup	...	...	...	...	...	...	...	...	...	...	...	...	...
Other	...	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal purchased	205	95	227	44	44	209	...	...	...	4	...	\$27,000	289
Leased:													
Midsize	...	...	...	...	...	...	...	...	...	...	...	...	...
Belized or not cost excess	...	...	...	...	...	...	...	...	...	...	...	...	...
Limousine	...	...	...	...	...	...	...	...	...	...	...	...	...
Large sedan	...	...	...	...	...	...	...	...	...	...	...	...	...
Midsize sedan	1	...	1	...	...	...	...	...	...	...	...	...	...
Other	4	...	4	...	...	...	...	...	...	...	...	...	...
Subtotal leased	5	0	5	0	0	4	...	...	...	0	...	...	4
Total vehicles	210	95	232	44	44	204	...	...	...	4	...	\$27,000	294

**Drug Enforcement Administration
Salaries and Expenses
Schedule of Aircraft**

	1993 End of Year Inventory	1994 Actuals			1995 Estimate			1996 Estimate		
		Acquired	Disposed	End of Year	Acquired	Disposed	End of Year	Acquired	Disposed	End of Year
Direct Purchase:										
Fixed Wing	22	0	0	22	0	0	22	0	0	22
Single Engine	13	0	0	13	0	0	13	0	5	8
Multi-Engine	8	0	0	8	0	0	8	0	0	8
Helicopter	6	0	0	6	0	0	6	0	0	6
Subtotal purchased	49	0	0	49	0	0	49	0	5	41
Leased:										
Fixed Wing	0	0	0	0	0	0	0	0	0	0
Multi-Engine	0	0	0	0	0	0	0	0	0	0
Subtotal leased	0	0	0	0	0	0	0	0	0	0
Seized:										
Fixed Wing	13	0	0	13	0	0	13	0	2	11
Single Engine	34	0	0	34	0	0	29	0	19	10
Multi-Engine	6	0	0	6	0	0	6	0	0	6
Helicopter	0	0	0	0	0	0	0	0	0	0
Twin Engine	0	0	0	0	0	0	0	0	0	0
Subtotal seized	52	0	0	52	0	0	47	0	21	29
Military:										
Fixed Wing	4	0	0	4	0	0	4	0	4	0
Helicopter	10	0	0	10	0	0	10	5	0	15
Subtotal military	14	0	0	14	0	0	14	5	4	15
TOTAL AIRCRAFT	112	0	0	112	0	0	107	5	30	92

Drug Enforcement Administration
Salaries and Expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1995 as enacted	5,761	5,621	\$758,513
Transfers:			
HIDTA .....	...	...	8,978
1995 availability	5,761	5,621	766,491
Adjustments to base:			
Redirect Alliance Airport Facility: Construction Costs			
Decrease to Management & Administration Decision Unit .....	...	...	(5,400)
Increase to Automated Data Processing Decision Unit .....	...	...	5,400
Transfers: non-recurring			
HIDTA .....	...	...	(8,978)
Transfer of ADP resources to Drug Diversion Control			
Fee Account (DDCFA)	(7)	(7)	(1,800)
Transfer to Violent Crime Reduction Program:			
Annualization of 1995 Agents	(63)	(63)	(8,036)
Streamline Savings:			
Operator, SNOWCAP .....	...	...	(1,878)
Close foreign offices .....	...	...	(750)
Contract foreign support .....	...	...	(426)
Permanent change of station procedures .....	...	...	(2,500)
Total, Streamline Savings .....	...	...	(5,550)
Total, Adjustments to Base	(60)	(60)	(\$24,363)

Drug Enforcement Administration
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
Mandatory increases:			
One additional compensable day . . . . .	...	...	\$1,404
1996 pay raise . . . . .	...	...	7,030
Annualization of 1995 pay raise (3.3%) . . . . .	...	52	8,134
Annualization of 1995 Congressional action . . . . .	...	152	16,400
Within-grade increases . . . . .	...	...	4,809
Health Benefits . . . . .	...	...	351
Accident compensation . . . . .	...	...	719
\$80 required "buyout" payment to OPM . . . . .	...	...	428
Foreign allowance . . . . .	...	...	95
Unemployment compensation redistribution . . . . .	...	...	53
GSA rent . . . . .	...	...	9,469
Increase in postal rates . . . . .	...	...	375
General pricing level adjustments . . . . .	...	...	550
Total, mandatory increases . . . . .	...	204	48,617
Decreases:			
Mandatory decreases:			
Procurement savings . . . . .	...	...	(672)
FTS 2000 savings . . . . .	...	...	(1,206)
FERG savings . . . . .	...	...	(2,679)
Total, mandatory decreases . . . . .	...	...	(4,457)
1996 base	5,601	5,765	785,488
Program changes:			
Beijing country office . . . . .	...	...	580
Title III investigations . . . . .	...	...	2,200
ADP programs . . . . .	...	...	8,250
Advanced telephony . . . . .	...	...	1,850
	...	...	12,680
1996 estimate	5,601	5,765	\$798,168

Drug Enforcement Administration
Salaries and Expenses
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	WY	Amount
Adjustments to base:			
Redirect Alliance Aviation Facility: Construction (Management & Administration Decision Unit).....	...	...	(\$5,400)
Redirect Alliance Aviation Facility: Construction (Automatic Data Processing Decision Unit).....	...	...	5,400
DEA will reallocate within its base \$5,400,000 that was originally provided for the construction of Alliance Airport. Since this construction is completed, DEA will shift \$5.4 million from the Management and Administration program to the ADP program to begin Phase II of the FIREBIRD office automation project.			
Transfers:			
HIDTA: non-recurring transfer.....	...	...	(8,978)
Transfer of ARCOS and CSA data processing system costs.....	(7)	(7)	(1,800)
In accordance with Congressional intent to capture the full costs of executing the program under the Drug Diversion Control Fee Account (DDCFA), the costs associated with the DDCFA data processing support, specifically, the Automation of Reports and Consolidated Orders System (ARCOS) and Controlled Substances Act (CSA) systems have been transferred from the DEA Salaries and Expenses appropriation to the Drug Diversion Control Fee Account. These systems exist at DEA solely for the support of the Diversion Control Program.			
Transfer to the Violent Crime Reduction Program (VCRP): Annualization of 1995 Agents.....	(53)	(53)	(8,035)
Section 180104 of Public Law 103-322 authorizes the hiring of additional Special Agent positions which are assigned throughout DEA's domestic field offices. This adjustment represents the annualization of the transfer of positions, workyears, and funds to the VCRP. These Special Agents will be used to investigate drug-related violent crimes and major drug traffickers and distributors affecting their area of assignment.			
Streamline Savings:			
Streamline savings are projected due to cost saving initiatives in various programs. These savings include elimination of TDY support for Operation SNOWCAP/CADENCE (~\$1,875,000), closing foreign offices in an effort to focus more on domestic enforcement (\$~750,000), utilizing contract employees in foreign offices in lieu of full-time permanent DEA staff (\$~425,000), and reducing Permanent Change of Station (PCS) costs through streamlining procedures and decreased PCS benefits (\$~2,500,000).	...	...	(5,550)
Total: adjustments to base.....	(60)	(60)	(\$24,363)

	Pos.	WY	Amount
Mandatory Increases			
One additional compensable day.....	\$1,404
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$1,010,000 for pay and \$394,000 for benefits).	
1996 pay raise	7,030
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$7,020,000, represents the amounts for three-quarters of the fiscal year plus appropriate benefits (\$4,921,000 pay and \$2,109,000 benefits = \$7,030,000)	
Annualization and increase of 1995 pay raise	52	8,134
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$5,694,000 for pay and \$2,440,000 for benefits).	
Annualization of 1995 Congressional action	152	\$15,400
This provides for the annualization of additional positions approved in the Appropriation for 1995 for Domestic Enforcement, State and Local Task Forces, Intelligence, Laboratory Services, and Management and Administration. This increase in positions consisted of 311 Special Agents, 29 Intelligence Analysts, 14 Chemists, 4 Professional/Administrative, and 78 Clerical.	
		Approved	Approved
		1995 Increases	1996 Increases
Annual Salary of approved positions		\$14,589	
Less Lapse		(7,295)	
Net compensation		7,295	\$7,295
Associated employee benefits		19,543	4,457
Travel			670
Transportation of things			26
GSA Rent		1,757	(1,068)
Rental Payments		973	0
Communications/Utilities			2,211
Printing/Reproduction			65
Other Services			3,284
Supplies/Materials			194
Equipment			(1,734)
Total Congressional increase		\$36,862	\$15,400
			61

	Pos.	WY	Amount
Within - grade increases.....	\$4,809
This request provides for the expected increase in costs of within - grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$3,366,000 for pay and \$1,443,000 for benefits.			
Health benefits.....	351
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$ 351,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			
Accident compensation.....	719
This increase reflects the billing provided by the Department of Labor for the actual costs in 1994 of employees' accident compensation. The 1996 increase amount will be \$719,000.			
\$80 supplemental retirement contributions.....	428
For FY 1995 to 1998, addressees are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$428,000 provides for this contribution.			
Foreign allowances.....	95
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$95,000 provides a 1.7 percent increase over the obligations of \$4,334,000 which are projected for 1995.			
Unemployment compensation.....	53
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$53,000 is required to meet our commitment to DOL.			
General Services Administration (GSA) rent.....	\$9,469
GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$9,469,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA provided rates.			

	Pos.	WY	Amount
Increase in postal rates.....			\$375
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$375,000 is requested in 1996 to cover this rate adjustment.			
General pricing level adjustments.....			550
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs, and utilities.			
Total, mandatory increases.....		204	48,817
Mandatory decreases:			(2,579)
Federal Employees Retirement System (FERS).....			
Effective October 2, 1994, there was an overall reduction in the amount required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease for DEA is \$2,579,000.			
FTS 2000.....			(1,206)
This decrease reflects FTS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$1,206,000.			
Procurement Savings.....			(672)
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$672,000.			
Total, mandatory decreases.....			(4,457)
Total, adjustments to base.....	(60)	144	\$19,997

Drug Enforcement Administration
Salaries and Expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grade and salary ranges	1994 Actual		1995 as Enacted		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$123,100	1	1	1	1	1	1	1	1
ES-8, \$115,700 - \$120,328	4	4	4	4	4	4	4	4
ES-9, \$111,900 - \$116,272	9	9	9	9	9	9	9	9
ES-4, \$107,900 - \$111,562	34	34	34	34	34	34	34	34
ES-3, \$101,900 - \$110,068	10	10	10	10	10	10	10	10
ES-2, \$97,400	1	1	1	1	1	1	1	1
AL-3F - \$104,150 (Administrative Law Judge)	...	...	...	...	...	...	...	...
GS/GM-15, \$71,964 - \$5,186	201	201	205	205	200	200	200	200
GS/GM-14, \$67,265 - \$4,900	89	89	93	93	89	89	89	89
GS/GM-13, \$63,565 - \$4,701	1,287	1,287	1,409	1,409	1,378	1,378	1,378	1,378
GS-12, \$43,358 - \$4,382	1,085	1,085	1,132	1,132	1,122	1,122	1,122	1,122
GS-11, \$38,174 - \$4,028	393	393	375	375	372	372	372	372
GS-10, \$33,528 - \$3,808	2	2	2	2	2	2	2	2
GS-9, \$29,898 - \$3,498	268	268	270	270	261	261	261	261
GS-8, \$27,048 - \$3,185	163	163	177	177	180	180	180	180
GS-7, \$24,411 - \$3,170	486	486	561	561	535	535	535	535
GS-6, \$21,995 - \$2,862	406	406	425	425	423	423	423	423
GS-5, \$19,732 - \$2,856	176	176	180	180	188	188	188	188
GS-4, \$17,837 - \$2,825	39	39	41	41	43	43	43	43
GS-3, \$16,711 - \$2,429	9	9	10	10	1	1	1	1
GS-2, \$14,396 - \$1,615	6	6	6	6	6	6	6	6
GS-1, \$12,964 - \$1,615	69	69	61	61	61	61	61	61
Ungraded positions	...	...	...	...	...	...	...	...
1994 Pay Rate	8,708	\$278,870	6,751	\$241,850	5,651	\$6,580	5,651	\$14,079
Total, appropriated positions	8,708	\$278,870	6,751	\$241,850	5,651	\$6,580	5,651	\$14,079
Pay above stated annual rates	...	1,046	...	...	...	1,010	...	1,010
Lapses	(36)	(2,090)	(207)	(6,780)	(2)	(104)	205	6,676
Savings due to lower pay scales for part of year	...	(2,769)	...	(2,251)	...	(1,810)	...	611
Net full-time permanent	8,370	275,056	6,544	275,849	5,649	268,235	145	22,378
Other than permanent:	...	...	...	...	...	...	...	...
Part-time permanent	10	188	9	237	9	274	...	38
Temporary employment	5	94	48	1,281	48	1,481	(1)	188
Other part-time and temporary employment	20	376	19	500	19	374	...	74
Other personnel compensation:	...	...	...	...	...	...	...	...
Overtime	63	2,933	59	3,077	80	3,136	1	59
Availability pay	682	39,081	701	38,558	717	37,479	16	920
Other compensation	129	7,139	140	7,302	143	7,475	3	173
Special personal services	...	380	...	243	...	...	...	(243)
Total, workyears and personnel compensation	8,284	321,096	6,821	325,056	6,685	318,512	164	23,554
Average ES salary	...	(\$107,300)	...	(\$108,841)	...	(\$110,887)	...	...
Average GS/GM salary	...	(\$51,227)	...	(\$48,998)	...	(\$53,241)	...	...
Average GS/GM grade	...	11.06	...	11.05	...	11.04	...	...

Drug Enforcement Administration
Bureau of Narcotics
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1984 Actual		1985 as Enacted		1986 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other objects:								
11.1 Full-time permanent	5,370	\$273,058	5,044	\$279,849	5,099	\$299,225	145	\$22,376
11.2 Other than full-time permanent	80	1,505	77	2,028	76	2,297	(1)	289
11.3 Other personnel compensation	834	45,153	800	46,936	920	46,090	20	1,152
11.8 Special personnel services	50	2,000	50	2,000	50	2,000		
Total	6,284	\$321,996	6,021	\$328,953	6,065	\$349,612	164	\$25,356
12 Personnel benefits	94,709		114,465			113,217		(1,248)
13 Benefits for former personnel	81		19			72		53
21 Travel and transportation of persons	29,272		29,448			29,134		(1,314)
22 Transportation of things	1,840		3,193			2,288		(895)
23.1 OSA rent 1/	49,517		52,534			59,824		7,390
23.2 Rental payments to others	14,546		7,830			7,322		(508)
23.3 Communications, utilities and miscellaneous charges	41,852		61,753			63,386		1,633
24 Printing and reproduction	1,187		1,713			1,636		(77)
25 Other services	3,450		4,275			3,704		(571)
26 Contractual services	127,520		128,574			132,046		3,472
28 Supplies and materials	28,798		21,381			20,280		(1,101)
31 Equipment	30,220		20,872			19,876		(1,096)
32 Lands and structures	6,493		223			173		(90)
41 Grants, subsidies, and contributions	290		...			...		...
42 Insurance claims	271		163			161		(2)
90 Other Unvouchered .....	...		...			...		...
Total obligations	6,284	747,242	6,021	769,481	6,065	801,832	164	\$32,141
Recovery of prior year obligations								
Unobligated balance, start of year		(3,800)		(1,000)		(1,000)		
Unobligated balance, transferred, net		(8,288)		(4,984)		(2,464)		
Unobligated balance, end of year		(12,088)		...		...
Unobligated balance, beginning		1,487		2,464		...		
Total Requirement		735,335		766,461		766,168		
Transferred from other accounts		17,335		8,976		...		
Relation of obligations to outlays:								
Total Obligations		747,242		769,481		801,832		
Obligated balance, start-of-year		89,981		85,843		204,136		
Obligated balance, end-of-year		(89,943)		(204,136)		(278,092)		
Adjustments in expired accounts		(10,114)		...		...
Adjustments in unexpired accounts		(3,560)		(1,000)		(1,000)		
Outlays		746,316		616,766		726,216		

Department of Justice
Drug Diversion Control Fee
Estimates for Fiscal Year 1996
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**Drug Enforcement Administration
Diversion Control Fee
Summary Statement**

DEA's Drug Diversion Control Program has been delegated responsibility for control of diversion, distribution, manufacture, and abuse of legitimate pharmaceuticals, and serves as a resource base for states and other agencies on drug distribution and abuse patterns. The Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-5132) (CSA) authorizes DEA to enforce the law as it applies to the registration of handlers of controlled substances. The program also serves as a resource center for the international monitoring and control of legitimate pharmaceuticals.

The purpose of the Drug Diversion Control Program is to prevent, detect, and investigate the diversion of controlled substances from legitimate channels, while ensuring that there is an adequate and uninterrupted supply of controlled substances required to meet legitimate needs. Responsibilities assumed by DEA under the auspices of this program include: diversion investigations, cyclic investigations, registrations, voluntary compliance, state assistance, industry liaison, and associated support programs. Additionally, DEA has responsibility for adhering to the United States International Treaty obligations through activities with the United Nations, the Customs Cooperation Council, Interpol, and other international drug control organizations, as well as for government officials involved in drug control.

DEA annually registers in excess of 800,000 drug handlers, of which over 1,670 are manufacturers, distributors, importers, exporters, and others handling large volumes of controlled substances. DEA considers each registrant as a potential source of diversion; however, most diversion activities entail audits at the practitioner and retail pharmacy level.

Preventing the diversion of controlled substances from legitimate channels of drug distribution is a cooperative effort between federal and state governments. DEA has primary responsibility for enforcing the provisions of the CSA as it relates to all nonpractitioner registrants. DEA also targets any registrant violator who meets established criteria.

Intergovernmental liaison for planning and coordination is necessary for criminal prosecutions and civil actions, for reciprocal development and exchange of leads with the Food and Drug Administration, the National Institute on Drug Abuse, the Federal Bureau of Investigation, the Department of State, the Internal Revenue Service, the U.S. Customs Service, the Department of Defense, the Department of Veterans Affairs, and respective state and local law enforcement and regulatory agencies.

The Drug Diversion Control Program is designed to ensure that every registrant adheres to the CSA. This is accomplished through periodic investigations, targeted in-depth investigations, pre-registrant investigations, upgrading of state capabilities, an organized system of drug destruction, the diversion prevention program, and drug scheduling and information collection/sharing. The following is a brief summary of each of the components of the Drug Diversion Control Program:

- o Periodic Investigations: Continuous evaluation of registrants' record keeping procedures, security, and general adherence to the CSA. Documented violations may result in the imposition of administrative, civil, or criminal sanctions.
- o Targeted Investigations: Investigations that are aimed at suspected violators whose products are prevalent in the illicit market or whose activities involve actual or suspected diversion.
- o Pre-registrant Investigations: Investigations designed to reduce the possibility of registering unauthorized subjects and determine whether registration is consistent with the public interest.
- o Upgrading State Capabilities: Federal efforts aimed at facilitating state action at the practitioner level.
- o Drug Destruction: Organized system to assist in diversion prevention. All controlled substances to be destroyed are inventoried by DEA personnel or other authorized individuals and receipted on a DEA form which is maintained by the firm in its controlled substance records for two years. The destruction of controlled substances is performed and witnessed by DEA or other authorized personnel.
- o Drug Diversion Prevention Program: Adjunct to the agency's CSA enforcement program specifically aimed at upgrading the level of self-enforcement by the drug industry and the registrant population.
- o Drug Scheduling and Information Collection/Sharing: The collection of information concerning abuse of controlled substances and scientific review of actual or potential drugs of abuse for CSA scheduling or decontrol.

- o International Drug Controls. In compliance with United States law and international treaty obligations, directs programs that relate to the international control of legitimately produced controlled substances.
- Pursuant to the Appropriations Act of 1993, diversion control registration fees were increased by a factor of 3.5 in 1993 to recover the entire cost of the program beginning in 1994. There are no plans at this time to raise the registration fees in 1996, and no program increases are requested for the Drug Diversion Control Program in 1996.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Crosswalk of 1995 Changes
(Dollars in thousands)

	1995 President's			Workyear Reduction			1995 Availability		
	Budget Request ¹¹			Pos. WY Amt.			Pos. WY Amt.		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
Drug Diversion Control.....	588	584	\$43,107	...	(48)	...	588	536	\$43,107
Total.....	588	584	\$43,107	...	(48)	...	588	536	\$43,107

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¹¹ Includes reductions for GSA Rent and Procurement

Adjustments to base:	Perm. Pos.	WY	Amount
1995 as Enacted	588	594	\$43,431
GSA Rent and Procurement Savings
1995 FTE Reduction
1995 Availability
Mandatory Increases
Transfer of ADP Resources From Salaries and Expenses Appropriation	588	538	\$43,107
1998 Base	48	2,334
Program Change	7	7	1,800
1998 Estimate	595	591	\$47,241
1998 Estimate	595	591	\$47,241

	1995 as Enacted	1995 as Proposed	1995 as Enacted	1995 as Proposed
GSA Rent and Procurement Savings	588 584	584 431	588 584	584 431
1995 FTE Reduction
1995 Availability
Mandatory Increases
Transfer of ADP Resources From Salaries and Expenses Appropriation
1996 Base
Program Change
1996 Estimate	588 584	584 431	588 584	584 431

	1984 as Enacted		1984 Actual		1985 Availability		1986 Base		1986 Estimate		Increases/Decreases	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Estimates by budget Activity												
1 Enforcement	588	554 \$42,123	588	525 \$32,871	588	536 \$43,107	595	591 \$47,241	595	591 \$47,241		
Total	588	554 \$42,123	588	525 \$32,871	588	536 \$43,107	595	591 \$47,241	595	591 \$47,241		

Holiday	1	1
Overtime
AUO ...	1	3	3
Other
Total compensable workyears	555	540	595

**Drug Enforcement Administration
Drug Diversion Control Fee
Summary of Requirements
(Dollars in thousands)**

Financing	1994 Actual	1995 Availability	1996 Request
Unappropriated Balance, Start of Year	7,201	28,939	30,541
Receipts:			
Receipts Collected	69,609 ¹	59,709	57,000
Transfer to General Treasury Fund	(15,000)	(15,000)	(15,000)
Reimbursed from Salaries and Expenses	15,000	15,000	15,000
Total Receipts	69,609	59,709	57,000
Appropriation/Obligations:			
Drug Diversion Control Fee Account	(32,871)	(43,107)	(47,241)
Reimbursed from Salaries and Expenses	(15,000)	(15,000)	(15,000)
Total Obligations	(47,871)	(58,107)	(62,241)
Unappropriated Balance, End of Year	28,939	30,541	25,300 ³
Outlays	41,385 ²	33,367	42,554

¹ The 1994 actual receipts are \$3,058,000 less than what is shown in the 1996 President's budget, since the 1993 end of year accounts receivable was included in both the 1994 receipts and the start of year balance.

² 1994 outlays were adjusted by \$5,103,000, since and outlay was incorrectly recorded twice at the time of the 1996 President's budget was prepared.

³ Due to the three year registration cycle, which results in inconsistent receipts each year, projected excess receipts may not materialize. Should these excess receipts be forthcoming, they will be used to fund mandatory increases.

Drug Enforcement Administration
Drug Diversion Control Fee Account
Justification of Reimbursable Resources
(Dollars in thousands)

Source of Reimbursement:	1994 Actual		1995 Appropriated		1996 Estimate		Increase/Decrease Positions & Workyears Amount
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	

DEA Salaries and Expenses Appropriation.	15,000	15,000	(15,000)
---	------	--------	------	--------	------	------	----------

Goods or Services Provided:

Due to the limitations within the Budget Enforcement Act of 1990, the first \$15,000,000 in receipts collected is scored to Treasury.
DEA Salaries and Expenses Appropriation includes this \$15M for initial fiscal year operating expenses for the Drug Diversion control program.

Justification of Increases/Decrease:

The proposed change in the DEA Salaries and Expenses Appropriation Language allows for this funding to be provided to the DDCFA via transfer.

Drug Enforcement Administration
Diversion Control Fee
Justification of Program and Performance
(Dollars in Thousands)

	1995 Availability		1996 Base		1996 Request		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Diversion Control Fee.....	588	536	595	591	595	591	...	...
	\$43,107	\$43,741	\$47,241	\$47,241	\$47,241	\$47,241	...	...

* Due to limitations within the Budget Enforcement Act of 1990, DEA's Drug and Chemical Diversion Control Decision Unit in the Salaries and Expenses budget includes \$15,000,000 (registration fee related) for costs associated with drug diversion control. To ease the budget execution and tracking of positions associated with the Diversion Control Fee Account, all positions and workyears related to drug diversion control activities will be part of the Diversion Control Fee Account. While international activities are part of overall drug and chemical diversion control activities, the positions assigned to overseas posts are not part of this budget request nor are they part of the Drug and Chemical Diversion Decision Unit in the Salaries and Expenses budget request.

LONG RANGE GOAL: DEA's drug diversion control activities seek to reduce the diversion of legitimately produced controlled substances into illicit channels at all levels of distribution and to provide leadership and support to state and local agencies and the pharmaceutical industry to establish and maintain programs to control diversion.

MAJOR OBJECTIVES:

- o Conduct investigations of suspect practitioners and evaluations of registrant qualifications.
- o Enforce all provisions of the CSA and the Anabolic Steroid Control Act (ASCA) through criminal and regulatory investigations as well as civil actions.
- o Assess the ability of the states to control diversion and assist them in their drug diversion control efforts.
- o Identify all new substances which are being abused or have abuse potential, determine their placement in the appropriate CSA schedule, and establish manufacturing quotas.
- o Respond in a timely fashion to all requests concerning drug control issues and import/export data.
- o Register all legal handlers of controlled substances.
- o Continually monitor the closed system of distribution of licitly manufactured controlled substances.

BASE PROGRAM DESCRIPTION:

- o In compliance with United States law and international treaty obligations, advises DEA management on all matters pertaining to the formulation, direction, and coordination of worldwide programs associated with the diversion of legally produced controlled substances.
- o Directs DEA's worldwide drug diversion control activities to include diversion investigations, domestic and international diversion control, registration, voluntary compliance, state assistance, industry liaison, and associated support programs. (The positions, workyears, and supporting resources for the diversion control personnel assigned overseas are not part of this budget nor are they part of the Drug and Chemical Diversion Decision Unit in the Salaries and Expenses budget request.)
- o Formulates detailed drug diversion control input for the work plans and priority objectives (as it relates to drug control) of appropriate domestic and foreign offices.
- o Formulates additional legislation and regulations to curtail the diversion of controlled substances from legitimate channels.

- o Review the effectiveness of DEA worldwide and individual field office drug diversion control activities to ensure that they are responsive to the diversion control mission of DEA and the requirements of the law.
- o In compliance with United States law, international treaty obligations (including the 1953 United Nations Convention on Narcotics, the 1971 Convention on Psychotropic Substances, and the 1988 Convention on Illicit Drug Traffic) represents DEA at national and international conventions and meetings concerned with control of legitimate drugs and diplomatic initiatives designed to ensure appropriate diversion controls.
- o Criminal Diversion Investigations: An estimated 12,000 practitioners are involved in activities that violate the CSA and the ASCA. DEA identifies the highest level violators responsible for large scale diversion and conducts high quality, timely criminal investigations of their diversion activities. As the need arises, DEA develops drug oriented investigations (DOIs) under its priority targeting system aimed specifically at highly abused controlled substances and/or major trafficking organizations for intensive investigative efforts.
- o Public Interest Revocation Investigations: DEA may deny any application for registration or revoke or suspend a registration if it is determined that it would be inconsistent with the public interest.
- o CSA Mandated Cyclic Investigations: Cyclic investigations ensure that diversion does not occur at the manufacturer, distributor or wholesale levels of the distribution chain.
- o Pre-registrant Investigations: Pre-registrant investigations ensure that only qualified individuals or companies are authorized to acquire or dispense controlled substances.
- o State and Local Assistance: DEA assesses state programs aimed at suppressing the diversion of controlled substances from scientific, medical research and legitimate distribution channels. In addition, the State Assistance Program provides expertise, leadership, and guidance to the states consistent with national objectives.

ACCOMPLISHMENTS AND WORKLOAD:

PRACTITIONER INVESTIGATIONS	1993 Actual	1994 Estimate	1995 Estimate	1996 Estimate
Criminal Diversion Investigations	2,013	2,100	2,100	2,315
Public Interest Revocation Investigations	418	440	462	485
Arrests	428	450	470	490
Fines	\$4,102,492	\$4,300,000	\$4,515,000	\$4,700,000
Seizures	\$7,216,247	\$7,500,000	\$7,870,000	\$8,260,000
Orders to Show Cause	165	133	135	135
Steroid Investigations	81	77	80	80
Administrative Hearings	39	21	25	25

Significant Cases:

On May 4, 1994, a health corporation that managed two Narcotic Treatment Programs (NTP) agreed to settle civil charges of \$1,000,000. Settlement was made in order to avoid judicial enforcement for violations involving the dispensing of methadone without the benefit of an NTP registration. Two hospitals under this corporation that leased space for two of the NTP clinics agreed to settle in the amount of \$750,000 and \$100,000.

On February 18, 1994, a physician pled guilty in District Court to illegal distribution of a controlled substance, conspiracy, aiding and abetting, and money laundering. This doctor illicitly prescribed and dispensed in excess of one million dosage units of primarily hydrocodone products, buprenorphine and codeine products. The investigation disclosed that "patients" would pay \$50 in cash to the doctor or staff members per visit. The doctor agreed not to contest a seizure of \$371,415 made by DEA and IRS. The case among the largest seizure of assets from an individual physician made in DEA history.

On November 29, 1993, three defendants, including a medical doctor, were sentenced following their convictions in a 38-count indictment involving the diversion of approximately 60,000 dosage units of dilaudid. The investigation revealed that the three were ringleaders of a group that diverted dilaudid from legitimate channels by using "professional patients" who visited doctors on a daily basis. Two of the defendants received life terms and the physician was sentenced to 235 months in prison.

In January, 1994, five members of a script ring were arrested, pursuant to federal arrest warrants charging them with conspiracy with the intent to distribute and possession of dilaudid in violation of 21 USC 841(a)(1) and 21 USC 846. This script ring utilized the names and DEA registrations numbers of legitimate physicians to print fraudulent prescriptions in order to acquire dilaudid from Miami pharmacies. The prescriptions were printed with a valid physician's name and DEA registration number, but with an address and telephone number controlled by the ring. A number of the printed prescriptions were obtained by the government. The investigation would a pharmacist call for verification. Over 60,000 dosage units of dilaudid were diverted during a three year period. The script ring was valued at approximately \$1,000,000. The ring was valued at approximately 35 to 45 dollars per dosage unit, which works out to a value of at least \$2,100,000 for the diverted dilaudid.

In February 1992, a Federal Jury in Boston, Massachusetts, found two registered pharmacists, father and son, guilty of conspiracy to distribute controlled substances. The father was convicted of 13 counts of criminal recordkeeping and his son of 91 counts of creating or using false prescriptions and or prescriptions with false registration numbers. On July 21, 1992, the sentencing judge took a downward departure from the sentencing guidelines because the court believed the defendants fell outside the strict unlawful drug trafficking statute, 21 USC Section 841, but within the more lenient unlawful drug prescribing statute, 21 USC 843. On June 14, 1994, the U.S. Court of Appeals issued a decision affirming the defendants' convictions stating that 21 USC 841 does not exempt pharmacists who sell narcotic drugs without prescriptions, nor does it suggest their conduct is less seriously wrong than the conduct of non-pharmacist drug dealers. It added that if a pharmacist knows that a customer not only lacks a valid prescription, but also will not use the drugs for legitimate medical purposes, then 841 applies and treats the dispenser like a drug pusher.

NON-PRACTITIONER INVESTIGATIONS	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Cyclic Investigations	816	850	892	934
Letters of Admonition Issued	341	350	370	390
Pre-Registrant Investigations	1,271	1,250	1,400	1,470

STATE AND INDUSTRY

The State and Industry Program is a critical element of DEA's drug control strategy. The industry usually employs adequate controls to the extent that they are informed of the necessary requirements. In this regard, DEA maintains an active program to provide the regulated industries with such information. Examples during the past year included publication of resource guides and handbooks regarding controlled substances security, a Pharmacist's Handbook and a High-Level Practitioner's Handbook. DEA regularly participates in workshops and formal sessions with groups such as drug manufacturers, distributors, pharmacists, nurses, treatment programs, and others. DEA also held a conference with major groups from the industry.

DEA continues to provide legislative, policy, and investigative assistance to the states. The National Conference on Diversion Control is a centerpiece of this effort. This DEA sponsored conference is held every 18 months, with representatives of the various state Governors, to develop a national agenda. Other efforts include participation in the drafting and review of a National Anabolic Steroid Control Program and analysis and support for state prescription monitoring programs.

The State and Industry Program was instrumental in developing policy and procedures for the proposed mid-level practitioners rule. Developing this proposal required staff meetings with mid-level practitioner interest groups, the Public Health Service, the Health Care Financing Administration, and the Rural Health Policy Section of the Department of Health and Human Services. The final rule on mid-level practitioners was published on June 1, 1993.

The State and Industry Program provides state and industry agencies with policy interpretations concerning existing regulations and pending regulatory orders by facsimile, the handling of controlled substances by hospital emergency rooms, etc.

DRUG SCHEDULING AND QUOTA PROGRAM	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
Scheduling Actions	9	5	11	11
Import/Export Declarations	2,869	3,163	3,309	3,476
Import/Export Permits	1,699	1,965	2,140	2,314
Transshipment Notifications	88	94	97	99
Procurement and Manufacturing Quotas	1,262	1,013	1,110	1,200
Exemption Applications	378	477	400	423

REGULATORY SUPPORT PROGRAM	1993 Actual	1994 Actual	1995 Estimate	1996 Estimate
New Registrant Applications	45,493	46,460	45,500	47,250
Renewal Registrant Applications	271,596	294,473	252,000	265,250
Order Form Books Issued	437,336	463,333	479,000	496,000
Order Form Requests	91,906	98,957	107,000	114,000
Certified Statements for Judicial Proceedings	146	114	125	125
Responses to State Agencies for CSA Master File Lists	50	43	52	50
ARCOS Transactions	12.0 mil	13.0 mil	13.0 mil	14.0 mil
Drug Distribution Sales Profiles Developed	199	258	275	290

Charges, Additions, or Deletions to ABCDs Dictionary	3,400	3,720	4,000	4,200
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At present, DEA's registrant population totals 897,437: 382 manufacturers, 990 distributors, 6,145 researchers, 1,800 analytical labs, 172 exporters, 85 importers, and 957 narcotic treatment programs were designated as "type A" registrants. The remainder are "type B" registrants, which includes physicians, veterinarians, pharmacists, and other practitioners.

DRUG ORIENTED INVESTIGATIONS	ARRESTS	SEIZED CASH	REAL ESTATE	CONVEYANCES	OTHER SEIZURES
Operation SUPER K	139	\$880,192	\$225,000	\$71,500	\$47,160
Operation POINT EXPRESS	169	\$337,046	\$246,377	\$412,800	\$111,870

Operation Super K was established to coordinate intelligence and enforcement efforts against retail diversion of dihydric ketone, dihydric ketone, synthetic, morphine-like substance, is considered the most powerful prescription pain killer sold today. These statistics show that is strictly composed of dihydric ketone addicts. Due to the demand for this highly addictive but potent narcotic, current street prices have been and continue to be as high as \$70 per four milligram tablet. Diversion of this highly addictive drug occurs primarily at the retail level through over-prescribing by unscrupulous physicians and dispensing pharmacists with similar unprofessional motives. Doctor shopping, thefts, and forged prescriptions passed by sophisticated rings account for a large portion of the diversion. In November 1993, three ring leaders of a 19 person group in the Chicago area who had diverted over 60,000 dosage units of dihydric ketone were sentenced; two received life in prison without parole and one received 235 months incarceration. As a result of Operation SUPER K, there have been 139 arrests (122 Class I/II level) of individuals involved in the diversion/trafficking of dihydric ketone.

Over the past few years, since DEA's enforcement and regulatory efforts of the Anabolic Steroid Control Act have become well known, a new trend has gradually emerged. Today almost all of the diverted steroids encountered in the illicit market originated from a foreign source, primarily Europe and Mexico. Further, it is now common to find dealers and mailmen selling steroids as well. Operations POINT EXPRESS continues to be productive and to date has resulted in some 170 arrests and the seizure of cash and real property valued in excess of \$900,000.

In February 1994, a fugitive from a Boston POINT EXPRESS case was arrested in California and extradited to Rhode Island. A search of the subject's California residence resulted in the seizure of 16 upper punches for tabletting press. He is continuing his illicit steroid business from his Rhode Island prison cell and is presently being considered for an ODETF investigation.

In addition to the Operations mentioned in the chart, DOI CARRY OUT was initiated in response to the increasing abuse of methadone. This Operation targets those narcotic treatment programs which operate with the intent of profiting by diversion or fraud under the guise of treatment. Second, and equally important, Operation CARRY OUT is attempting to evaluate programmatic factors which contribute to the street availability of methadone from narcotic treatment programs. Methadone continues to rank high on the list of most commonly reported drugs in death reports from medical examiners. Administrative actions are pending in DEA's Office of Chief Counsel against several violative narcotic treatment programs.

Drug Enforcement Administration
Drug Diversion Control Fee
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1998

Category	1994 Authorized	1995 As Enacted	1998 Request
Admin Law Judges (935).....	3	3	3
Law Clerks (904).....	3	3	3
Legal Examiners (963).....	17	17	17
General Investigating Series (1810).....	387	387	387
General Investigating Series (1802).....	27	27	27
Criminal Investigating Series (1811).....	12	12	12
General Administrative, Clerical Services (300-399).....	135	135	142
Physical Sciences Group (1320; Chemist).....	4	4	4
Total.....	588	588	595
Washington.....	131	131	138
U.S. Field.....	457	457	457
Foreign Field.....	..	..	..
Total.....	588	588	595

Drug Enforcement Administration
Drug Diversion Control Fee
Summary of Change
(Dollars in thousands)

	Perm. Pos.	WYS	Amount
1995 Appropriation as anticipated.....	588	536	\$43,107
Adjustments to base:			
Transfer of ARCOS/CSA System Costs to DDCFA..	7	7	1,800
Mandatory increases:			
One additional compensable day.....	...	...	131
1996 pay raise.....	...	...	549
Annualization and increase of 1995 pay raise.....	...	...	700
Within-grade increases.....	...	...	426
Health benefits.....	...	...	257
\$80 supplemental retirement contributions.....	...	...	44
General Services Administration (GSA) rent.....	...	...	185
Postal rate increase.....	...	...	31
General pricing level adjustments.....	...	...	11
1995 FTE Reduction Restoration.....	...	48	...
Total mandatory increases.....	...	48	2,334
1996 Base.....	595	591	\$47,241

Drug Enforcement Administration
Drug Diversion Control Fee
Justification of Adjustments to Base
(Dollars in thousands)

	Pos.	WYS	Amount
	7	7	\$1,800
Adjustments to Base:			
Transfer of ARCOS and CSA Data processing Systems Costs.....			
In accordance with Congressional intent to capture the full costs of executing the program under the fee, the costs associated with the DDCFA data processing support, specifically, the Automation of Reports and Consolidated Orders System (ARCOS) and Controlled Substances Act (CSA) systems have been transferred from the DEA Salaries and Expenses Appropriation to the Drug Diversion Control Fee Account. These systems exist at DEA solely for the support of the Diversion Control Program.			
Mandatory Increases:			
One additional compensable day.....			\$131
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$107,000 for pay and \$24,000 for benefits).			
1996 pay raise.....			549
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$549,000, represents the amounts for three-quarters of the fiscal year plus appropriate benefits (\$450,000 pay and \$99,000 benefits = \$549,000)			
Annualization and Increase of 1995 pay raise.....			700
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$573,000 for pay and \$127,000 for benefits).			
Within-grade increases:			
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$349,000 for pay and \$ 77,000 for benefits.			428
Health benefits:			
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$ 257,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			257

1058

1059

	Pos.	WYS	Amount
\$80 supplemental retirement contributions..... For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$44,000 provides for this contribution.			\$44
General Services Administration (GSA) rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$185,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.			185
Postal rate increase..... The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$31,000 is requested in 1998 to cover this rate adjustment.			31
General pricing level adjustments..... This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			11
FTE reduction restoration..... The under-utilization of FY 1995 FTE/Workyears was due to a lapse in Compliance Investigator (1810) hiring. DEA is actively recruiting to fill all vacancies and will require restoration of authorized FTE in 1998.		48	
Total, mandatory increases.....		48	2,334
Total, adjustments to base.....	7	55	\$4,134

Drug Enforcement Administration
Drug Diversion Control Fee Account
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Availability		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grade and salary ranges								
Executive Level III, \$123,100	2		2		2			
ES-4, \$107,300-111,562	3		3		3			
AL-3/F, \$104,130 (Administrative Law Judge)	3		3		3			
GS-15, \$71,664-83,166	14		14		18			
GS-14, \$60,825-70,200	93		93		98			
GS-13, \$51,557-61,021	172		172		172			
GS-12, \$43,356-56,382	123		123		123			
GS-11, \$38,174-47,025	42		42		42			
GS-10, \$32,928-42,808	1		1		1			
GS-9, \$29,898-38,899	54		54		54			
GS-8, \$27,068-35,195	60		60		60			
GS-7, \$24,441-31,770	21		21		21			
GS-6, \$21,995-28,592								
GS-5, \$19,732-25,696								
GS-4, \$17,637-22,925								
GS-3, \$15,711-20,429								
GS-2, \$14,368-16,115								
1996 Pay Rates		712		479		\$821		\$142
Locality Pay		\$311		\$28,230		\$27,112		(\$1,117)
Total, appropriated positions	588	\$23,946	588	\$28,230	588	\$27,112	7	(\$1,117)
Pay above stated annual rates		111				104		104
Leaves		(66)		(2,805)		(324)		2,481
Salaries due to lower pay scales for part of year		(178)		(186)		155		353
Net full-time permanent	522	20,616	533	25,227	588	27,048	55	1,821
Other than permanent:								
Part-time permanent								
Temporary employment	3	70	3	120	3	128		
Other part-time and intermittent employment								
Other personnel compensation:								
Overtime		30		40		40		
Administratively uncontrollable overtime	3	39	3	44	3	45		
Other compensation		34		185		211		
Severance Pay								16
Total, workyears and personnel compensation	528	20,786	539	25,632	594	27,470	55	1,838
Oct - Feb 1994 was not properly charged in payroll system; therefore '94 Actual is understated (Total FY 94 Cost is correct, Adjustment reflected in OC 11.1)								
Average ES Salary		\$108,759		\$110,498		\$115,913		
Average GS Salary		39,373		47,555		48,246		
Average GS Grade		10.46		10.46		10.46		

Drug Enforcement Administration
Drug Diversion Control Fee Account
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Availability		1995 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other objects:								
11.1 Full-time permanent.....	522	\$20,616	533	\$25,227	566	\$27,048	55	\$1,821
11.3 Other than full-time permanent.....	3	70	3	126	3	126		
11.5 Other personnel compensation.....	3	103	4	279	4	266		17
11.8 Severance pay.....								
Total.....	528	20,789	540	25,632	569	27,440	55	1,836
12 Personnel benefits.....		7,353		6,026		6,748		722
13 Benefits for former personnel.....		1,607		1,718		1,757		39
21 Travel and transportation of persons.....		25		32		32		
22 Transportation of things.....		113		91		278		165
23.1 GSA rent.....				66		66		
23.2 Rental payments to others.....		1,006		709		709		
23.3 Communications, utilities and miscellaneous charges.....		22		122		224		102
24 Printing and reproduction.....		299		4,801		6,048		1,248
25.2 Other services.....		1,433		840		840		
29 Supplies and materials.....		1,433		3,066		3,066		
31 Equipment.....		32,871		43,107		47,241		4,134
Total obligations.....	528	32,871	540	43,107	566	47,241	55	4,134
Relation of obligations to outlays:								
Total Obligations.....		32,871		43,107		47,241		
Obligated balance, start-of-year.....				6,496		12,398		
Obligated balance, end-of-year.....				(6,496)		(12,398)		
Outlays.....		41,365		33,367		42,554		

1 The 1994 outlays were adjusted by \$5,103,000, since an outlay was incorrectly recorded twice at the time the 1995 President's Budget was prepared.

Department of Justice
Violent Crime Reduction Program
Drug Enforcement Administration
Estimates for Fiscal Year 1996
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Drug Enforcement Administration
Summary Statement
Violent Crime Reduction Programs
Fiscal Year 1996

DEA requests an enhancement of 30 Special Agents and \$3,965,000 to establish additional enforcement groups dedicated solely to the investigation of heroin trafficking and the violence it spawns in the United States.

Violence in American communities has become one of the top issues facing the country today. It has been well documented that American citizens are worried more than ever before about becoming victims of violent crimes. Although the number of total violent crimes in the country has leveled off in the last two years, the number of teenagers involved in violent crimes has increased by staggering proportions. Much of this is attributed to the increase in youth gangs where there are now twice as many youths involved in gangs than in 1989. Most of these gangs are involved in the sale and distribution of drugs.

DEA has extensive experience with deadly tandem of drug trafficking and violence. Nationwide, almost half of all homicides are drug related and over one-third of all violent crimes are tied to drug trafficking. The violence covers the entire spectrum of drug trafficking: the drug user will resort to robbery and murder to support their habit; the street dealer will literally murder any competition threatening their market; and the major supply organizations will, without hesitation, execute "clients" who do not pay for their product. Recent DEA/cooperative investigations have shown the extent of drug related violence.

- o DEA's Chicago Division Office is conducting a cooperative investigation into a major drug trafficking organization known as the Black Gangster Disciple Nation. The Chicago Police Department estimates that the leaders of this organization may have approved as many as 500 murders over 20 years to ensure control of Chicago's retail drug market.
- \ o A Joint Federal, State, and Local Investigation in Hartford, Connecticut recently culminated in the arrest of 21 gang members involved in a crack and heroin distribution network. The gang was also involved in homicide.
- o A recent DEA-led investigation resulted in a 49-count indictment of 12 individuals of a major cocaine distribution organization that worked under a strict code of silence. Among the racketeering charges are murder for hire, murder, conspiracy to commit murder, and attempted murder.

Drug violence rises with the increase in popularity of drugs, and the United States is witnessing a substantial increase in the popularity of heroin. All indicators, from emergency room episodes to price and purity levels, show that heroin use and trafficking is making a tremendous resurgence. The increased purity levels, the relatively low price, and the fact that heroin is no longer tied to only syringe use, has made heroin much more appealing to middle class users.

Heroin traffickers are sparing no expense to meet this demand. Many of the importers of heroin into the United States include ethnic groups, such as Asians, Nigerians, Mexicans, and Colombians who subscribe to the indiscriminate use of violence to establish and protect their operations. Because of the increased popularity of heroin, many drug organizations that dealt only with cocaine have also turned to heroin trafficking.

DEA's heroin initiative is designed to address the resurgence of heroin trafficking throughout the United States by committing additional enforcement groups to work with other Federal, State, and local law enforcement agencies in identifying and dismantling the heroin trafficking groups that are most responsible for the heroin supply and subsequent violence in those communities.

Drug Enforcement Administration
Violent Crime Reduction Program
Justification of Proposed Changes in Appropriation Language

For hiring additional DEA agents authorized by Section 180104 of Public Law 103-322, \$12,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Explanation of changes:

1. This language appropriates funding to the Drug Enforcement Administration from the Violent Crime Reduction Program.

Drug Enforcement Administration
Violent Crime Reduction Program
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work - Years	Amount
<u>Adjustments to base:</u>			
1995 availability	...	...	...
Transfer from the Salaries & Expenses Account:			
Annualization of 1995 agents	53	53	\$8,035
1996 base	53	53	8,035

1065

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
<u>Estimates by budget activity</u>												
1. Enforcement	53	53	\$8,035	83	68	\$12,000	30	15	\$3,965
2. Investigative support
3. Program direction
Total	53	53	8,035	83	68	12,000	30	15	\$3,965

Drug Enforcement Administration
Violent Crime Reduction Program
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program:	1994 as Enacted			1994 Actual			1995 Availability			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount	Perm.	WY	Amount
1. Enforcement:																		
Domestic enforcement:																		
Foreign coop investigations																		
Drug and chemical diversion																		
Control																		
State and local task forces																		
Subtotal																		
2. Investigative support:																		
Intelligence																		
Laboratory services																		
Training																		
Research, engineering and technical operations																		
ADP																		
Subtotal																		
3. Program Direction:																		
Management and administration																		
Subtotal																		
Total																		
Reimbursable workyears																		
Total workyears																		
Other Workyears:																		
Holiday																		
Overtime:																		
Availability pay																		
Other:																		
Total compensable workyears																		

* Other compensable workyears reflected here are not consistent with the Office of Management and Budget MAX Data Base system due to subsequently revised estimates

Drug Enforcement Administration
Violent Crime Reduction Program
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

	1995		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Availibility	Perm.	Amount	Perm.	Amount	Perm.	Amount
Domestic Enforcement.....	Pos.	MT	Pos.	(000)	Pos.	MT	Pos.	MT
	...	...	53	48,035	83	66	30	15
								83,965

LONG-RANGE GOAL: Reduce the amount of drug-related violence in the United States through the investigation and prosecution of individuals and organizations involved in violent activities in furtherance of illicit drug trafficking.

MAJOR OBJECTIVES:

- o Identify the most violent individuals/organizations involved in drug trafficking in the United States.
- o Develop tailored initiatives to disrupt and eliminate these organizations.
- o Assist Federal, state, and local law enforcement agencies involved in the fight against drug-related violence.

BASE PROGRAM DESCRIPTION: DEA's efforts against drug-related violent crime involve all of its field offices. DEA's 19 field division offices spearhead the attack on drug-related violence with intensive investigations into the major traffickers that bring the illicit drugs into the country and the often violent distribution organizations that establish drug markets in U.S. cities and towns. DEA also works with other Federal, state, and local law enforcement agencies in a concerted effort to attack drug-related violence. The 1996 base consists of 53 Special Agent positions which are assigned throughout DEA's domestic field offices. These Special Agents will investigate the major drug traffickers and distributors affecting their area of assignment.

ACCOMPLISHMENTS AND WORKLOAD:

Statistical workload and accomplishments for the Domestic Enforcement decision unit may be found in DEA's salaries and expenses budget request. DEA continues to have great success in its efforts of working with other Federal, State, and local law enforcement agencies in identifying and targeting the most violent drug traffickers operating in U.S. cities. Below are a few recent examples of this success.

- o In Chicago, DEA is culminating an investigation, with the assistance of various Federal, State, and local law enforcement agencies, of the black gangster discipline nation. This group has used violence and political activity to ensure control of Chicago's retail drug market. The leader of this group is believed to have approved approximately 500 murders in the last 20 years while controlling this group from prison.
- o In San Antonio, another incarcerated organization leader continues to influence the criminal activities of an organization known as the Texas Mexican Mafia. This organization controls the majority of heroin distribution in the San Antonio area and is responsible for numerous murders arising from disputes within their ranks. A joint investigation recently resulted in the arrest and conviction of 25 top Texas Mexican Mafia figures.

PROGRAM CHANGES:

	1995 BURE		1995 Estimate		INCREASE/ DECREASE	
	Perms.	Amount (000)	Perms.	Amount (000)	Perms.	Amount (000)
Domestic Enforcement.....	33	88,035	83	88	50	83,985

DEA requests 30 Special Agents and \$3,985,000 to further implement its heroin enforcement initiative by augmenting existing heroin enforcement groups in New York and Los Angeles and by establishing additional enforcement groups dedicated solely to investigating heroin trafficking and the resulting violence it spawns. These groups would be established in areas of significant heroin trafficking that do not have a DEA enforcement group activity dedicated to heroin investigations. These areas would include San Francisco; Boston; Washington, D.C.; Miami; and San Diego.

Drug traffickers have renewed their emphasis on heroin and the huge profits to be acquired through trafficking. Unlike cocaine, opium is cultivated in many areas of the world. It is much easier to conceal, and profit margins far outstrip those for cocaine. Moreover, users are turning to heroin as the purity levels rise and methods of abuse become more acceptable.

Heroin trafficking organizations have had the long-standing reputation of being more violent than their cocaine trafficking counterparts. Many Asian, African, and Jamaican groups have brought a callous form of street violence to the United States while establishing their heroin markets. And as the demand for heroin has increased recently, so have the brutal attempts of these groups to establish new markets.

In recent years, heroin use has increased worldwide as supplies and purities have risen. This ominous trend is more apparent than in the United States, the world's most profitable illicit heroin market. Heroin is available in virtually every major metropolitan area at historically high purities. The Drug Abuse Warning Network (DAWN) data indicate that the number of nationwide emergency room drug abuse episodes involving heroin has increased by 31 percent since 1992.

Many emergency room episodes can be attributed to the increasingly high purity levels of heroin. DEA's STRIDE system, which monitors purity levels of drugs seized or purchased by DEA, shows that purity levels of kilogram amounts of heroin purchased by DEA in the last two years are consistently averaging 86 percent. Prior to 1991, purity levels exceeding 80 percent were extremely rare. Although these samples were taken at the wholesale level, the retail purity level has risen proportionally as well. While the purity of retail heroin for the first nine months of 1993 averaged 35.4 percent nationwide, the average purity of street level heroin in the northeastern United States ranged from 60 to 80 percent.

The criminal organizations that are smuggling heroin include ethnic Chinese, Nigerians, Mexicans, Jamaicans and ethnic Southeast Asians/Middle Easterners who are bonded by ethnic solidarity and criminal culpability. This bond contributes to their indiscriminate use of violence to further their illicit operations. Although the most substantial portion of heroin trafficking and abuse in the United States is centered occurs in the northeastern metropolitan areas of New York City, Boston, Newark, and Philadelphia, the effects of heroin trafficking, including the subsequent violence, is being felt nationwide in such cities as Chicago, San Francisco, and Washington, D.C.

The most significant factor in the increased popularity of heroin is that it is much easier to use today than it was several years ago. Much like cocaine, heroin can now be smoked and injected rather than exposing users to dirty needles for injection, removing a major health deterrent for users. According to DAWN emergency room episodes, patients admitted for snorting or inhaling heroin increased from 3.9 percent in 1989 to 9.6 percent in 1992, while patients admitted for injecting heroin dropped from 73.3 percent to 61.9 percent for the same period.

Because of the continued rise in all heroin indicators and the increased violence spawned from heroin trafficking organizations trying to meet the demand, DEA must be able to respond to this threat. The higher purities of heroin mixed with the easier use are forming a deadly combination that is seriously threatening society if it goes unchecked.

DEA's heroin initiative is based on the recently issued Presidential Review Directive (PRD-42) and on the Attorney General's anti-violence crime initiative.

The intent of PPD-42 over the near- to mid-term, is to establish a heroin strategy that will operate within a tight budgetary environment. Moreover, the most recent issue of the President's National Drug Control Strategy specifically directs DEA and other Federal agencies to target Asian drug trafficking groups and to generate intelligence efforts to develop "a better identification and understanding of Asian trafficking organizations."

Also, the Attorney General has pledged to confront international criminal elements. DEA's heroin initiative has two primary objectives: 1) to expand and establish heroin groups in U.S. gateway cities that have experienced a rise in seizures and 2) to establish a country office in Beijing, Peoples Republic of China, which is requested in DEA's salaries and expenses budget submission.

Domestically, DEA has two enforcement groups dedicated solely to heroin enforcement (one each in New York and Los Angeles). Both groups are overwhelmed with cases that involve highly sophisticated trafficking groups of varying ethnic backgrounds. These investigations are becoming all the more prominent as DEA focuses more of its Title III intercept program on major heroin trafficking organizations. DEA must be able to use the information gleaned from these intercepts to successfully pursue these investigations. Other cities such as San Francisco, Boston, Washington, D.C., Miami, San Diego, and Newark have witnessed a tremendous increase in case work attributable to heroin traffickers.

DEA is requesting 30 Special Agents to establish additional heroin groups in those offices that are experiencing significant heroin trafficking. These offices would include San Francisco; Boston; Washington, D.C.; Miami; and San Diego. An attack on the trafficking infrastructure would focus enforcement efforts in at least four areas: group leadership, money-laundering, chemical sources, and communication/transportation networks.

Drug Enforcement Administration
Violent Crime Reduction Program
Financial Analysis—Program Changes
(Dollars in thousands)

Item	VCRP Domestic Enforcement	
	Pos.	Amount
Grades:		
G8 - 13.....	30	\$1,802
G8 - 12.....	...	...
G8 - 11.....	...	...
G8 - 6.....	...	...
Total positions and annual rate.....	30	1,802
Ases (-).....	(15)	(901)
Other personnel compensation.....	5	225
Total workyears and personnel compensation.....	20	1,126
Personnel benefits.....		533
Travel and transportation of persons.....		179
Transportation of things.....		21
G8A rent.....		76 *
Rental payments to others.....		4
Communications and utilities.....		81
Printing and reproduction.....		10
Other services.....		403
Supplies and materials.....		84
Equipment.....		1,468 *
Land and structures.....		...
Total program workyears and obligations changes requested, 1996.....	20	3,985

* G8A rent and equipment amounts reflected here are not consistent with the Office of Management and Budget MAX Data Base System due to subsequently revised estimates.

Drug Enforcement Administration
Violent Crime Reduction Program
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1995

Category	1994 Authorized	1995 Availability	1995 Request	
			Base	Total Authorized
Attorneys (905).....
Other Legal and Kindred (900-999).....
Legal Instruments Examining Series (983).....
General Investigating Series (1810).....
Criminal Investigating Series (1811).....
Miscellaneous Inspections Series (1802).....	63	63
Other Miscellaneous Occupations (001-099).....
Intelligence Series (132-134).....
Personnel Management (200-299).....
General Administrative, Clerical and Office Services (300-399).....
Biological Sciences (400-499).....
Accounting and Budget (500-599).....
Medical, Dental and Public Health (600-799).....
Engineering and Architecture Group (800-899).....
Information and Arts Group (1000-1099).....
Business and Industry Group (1100-1199).....
Physical Sciences Group (Other than Chemists) (1300-1399).....
Chemist Series (1320).....
Library and Archives Group (1400-1499).....
Mathematics and Statistics Group (1500-1599).....
Equipment, Facilities and Service Group (1600-1699).....
Education Group (1700-1799).....
Supply Group (2000-2099).....
Transportation (2100-2199).....
Ungraded (Weigs Grade & Foreign Service Loan).....
Total.....	63	63
Washington.....
U. S. Field.....	63	63
Foreign Field.....
Total.....	63	63

Drug Enforcement Administration
Violent Crime Reduction Program
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work- years	Amount
1995 availability .....	...	...	...
Transfer from Salaries & Expenses Account:			
Annualization of 1995 agents	53	53	\$8,035
1995 appropriation as enacted	53	53	8,035
1996 base	53	53	8,035
Program changes:			
Domestic Heroin	30	15	3,965
	63	68	3,965
1996 estimate	83	68	12,000

Drug Enforcement Administration
Violent Crime Reduction Program
Justification of Adjustments to Base
(Dollars in thousands)

<u>Violent Crime Reduction Program</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
Transfer from DEA Salaries and Expenses: Annualization of 1995 agents. Section 180104 of Public Law 103-322 authorizes the hiring of additional Special Agent positions which are assigned throughout DEA's domestic field offices. This adjustment represents the annualization of the transfer of positions, workyears, and funds to the VCRP. These Special Agents will be used to investigate drug-related violent crimes and major drug traffickers and distributors affecting their area of assignment.	53	53	\$9,035
Total, adjustments to base.....	53	53	8,035

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Drug Enforcement Administration
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grade and salary ranges								
Executive Level I - \$121,100
Executive Level II - \$130,325
ES-8 - \$115,700 - \$20,325
ES-8 - \$111,600 - \$18,272
ES-8 - \$107,500 - \$11,592
ES-8 - \$101,600 - \$18,088
ES-8 - \$97,400
AL-3/F - \$104,130 (Administrative Law Judge)
GS/GM - 15, \$71,864 - \$3,151
GS/GM - 14, \$60,825 - \$9,200
GS/GM - 13, \$51,637 - \$7,031
GS-12, \$43,355 - \$5,362
GS-11, \$35,174 - \$7,025
GS-10, \$26,992 - \$4,845
GS-9, \$22,808 - \$3,185
GS-7, \$24,411 - \$1,770
GS-6, \$21,995 - \$3,592
GS-5, \$19,732 - \$2,656
GS-4, \$17,437 - \$2,925
GS-3, \$16,711 - \$2,429
GS-2, \$14,368 - \$1,115
Ungraded positions
1994 Pay Rates
Total appropriated positions
Pay above stated annual rate
Low pay
Backpay due to lower pay scales for part of year
Net full-time permanent
Other than permanent:
Part-time permanent
Temporary employment
Other part-time and intermittent employment
Other personnel compensation:
Overtime
Availability pay
Other compensation
Official personnel services
Total, workyears and personnel compensation
Average ES Salary
Average GS/GM Salary
Average GS/GM Grade

Drug Enforcement Administration
Violent Crime Reduction Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 as Enacted		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Other objects:								
11.1 Full-time permanent	68	\$3,901	68	\$3,901
11.2 Other than full-time permanent
11.3 Other personnel compensation	22 *	975	22	975
11.8 Social personnel services
Total	90	4,876	90	4,876
12 Personnel benefits	1,846	...	1,846
13 Benefits for former personnel	552	...	552
21 Travel and transportation of persons	28	...	28
22 Transportation of things	344 *	...	344
23.1 GSA rent / ... to others	4	...	4
23.2 Rental of equipment to others	405	...	405
23.3 Communications, utilities and miscellaneous charges	22	...	22
24 Printing and reproduction
25.1 Contracting Services	1,576	...	1,576
25.2 Other services	231	...	231
26 Supplies and materials	2,093 *	...	2,093
31 Equipment
32 Land and structures
41 Grants, subsidies, and contributions
42 Insurance claims
Total obligations	90	12,000	90	12,000
Revelation of obligations to outlays:								
Obligated balance, start-of-year	(3,000)	...	(3,000)
Obligated balance, end-of-year
Adjustments in expired accounts
Adjustments in unexpended accounts
Outlays	9,000	...	9,000

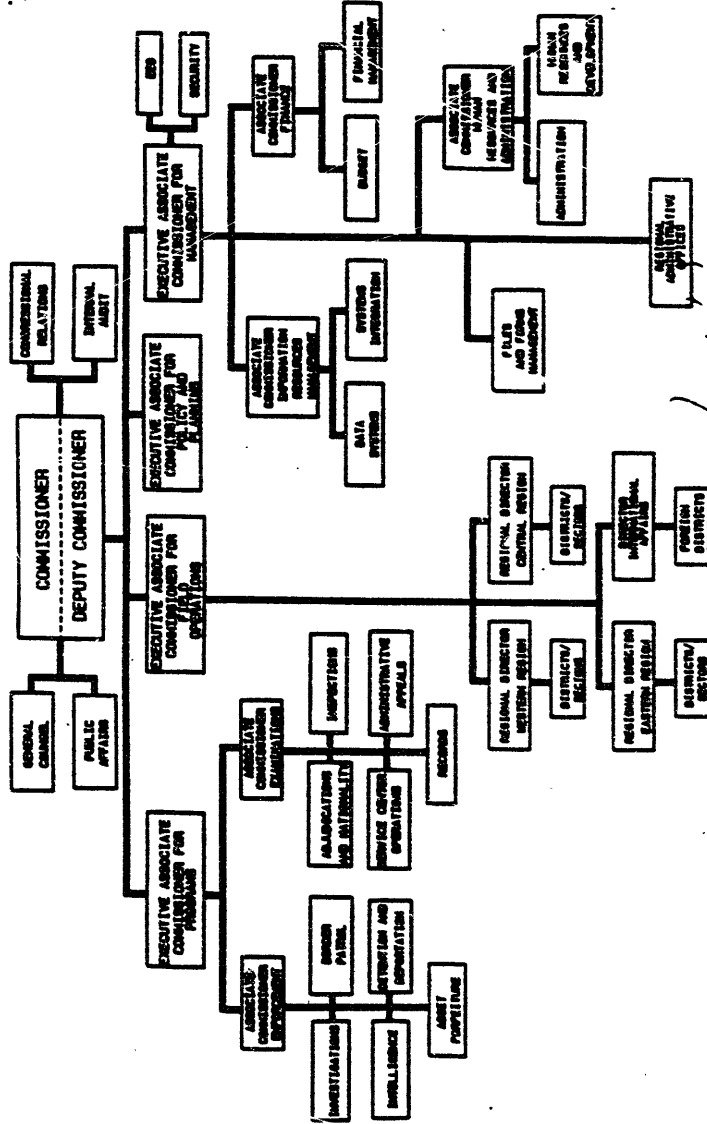
* GSA rent, equipment and other personnel compensation workyears reflected here are not consistent with the Office of Management and Budget MAC Data Base system due to subsequently revised estimates.

Department of Justice
Immigration and Naturalization Service
Estimates for Fiscal Year 1996

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IMMIGRATION AND NATURALIZATION SERVICE



Approved: (Signature) Date: July 10, 1968
JANET REINO
Attorney General

Immigration and Naturalization Service

Salaries and expenses

Summary Statement

Fiscal Year 1996

The Immigration and Naturalization Service (INS) is requesting, for 1996, a total of 15,276 permanent positions, 13,922 workyears and \$1.453 billion. This request represents an increase of \$349.45 million over the 1995 appropriation enacted of \$1.104 billion.

In addition, the INS is also requesting 107 positions, 107 workyears and \$10.66 million as part of the 1996 consolidated Organized Crime Drug Enforcement (OCDE) budget request. OCDE resources are contained in the Department of Justice Interagency Law Enforcement Appropriation and will be allocated to INS on a reimbursable basis.

Total program increases of 2,700 positions, 1,169 workyears, and \$324,590,000 are requested in INS' Salaries and Expenses appropriation to build on the Administration's commitment to reform our immigration system. This represents an increase of 2,647 positions, 1,620 workyears, and \$349,459,000 over the 1995 appropriation. The increase, combined with the Violent Crime Reduction Trust Fund, Immigration Fee accounts, and proposed Border Services User Fee increases will allow INS to take a comprehensive approach to address all parts of the immigration system and link them together as a single system. These increases are included under the following four initiatives:

Border Enforcement and Management

The FY 1996 request includes 1,018 positions, 426 workyears, and \$109,200,000 for Border Patrol agents, special agents, and support which are needed to direct intense efforts to those areas where illegal entry attempts have shifted to evade the border areas under control.

Regarding resources directed "between the ports-of-entry", a total of 840 positions, 336 workyears, and \$75,500,000 is requested. This increase includes: 700 additional Border Patrol agents and 140 support personnel (840 positions, 336 workyears, and \$59,400,000); camera surveillance systems (\$2,500,000); Automated Fingerprint Identification System equipment (\$1,000,000); a helicopter (\$1,100,000); sensors for monitoring illegal traffic between ports-of-entry (\$2,500,000); Border Patrol facility upgrades (\$6,000,000); and mobility resources to assist in re-deployment of Border Patrol agents to areas of increased traffic (\$3,000,000).

Regarding resources directed at the ports-of-entry, 25 positions, 13 workyears, and \$14,400,000 is requested to accomplish the following: provide staffing at enrollment centers for automated permit ports (25 positions, 13 workyears, and \$900,000); provide technology for an Enforcement Case Tracking System (\$9,100,000); and the expansion of dedicated computer lanes (\$3,000,000) and automated permit ports (\$1,400,000).

This initiative also includes an increase of 153 positions (78 special agents), 77 workyears and \$129,300,000 to expand anti-smuggling and intelligence gathering operations, create field intelligence groups at key Southern

border locations, and conduct a pilot voluntary interior repatriation effort in the San Diego area. The pilot interior repatriation initiative will target over 5,000 of the most serious violators, including the worst recidivists. The violators will be given the choice between voluntary interior repatriation to the interior of Mexico, or detention and removal, which would significantly complicate their ability to re-enter the U.S. or obtain future immigration benefits. It is anticipated that this pilot will augment the Border Control strategy by removing the prospect for easy re-entry. The Service will evaluate the relative effectiveness of interior repatriation versus detention and removal through this pilot initiative.

Work Site Enforcement and Verification

The magnet of U.S. employment continues to draw illegal migrants. Requirements to employ only authorized workers and systematically verify employment eligibility of all new hires have been in effect for several years without achieving expected results for immigration control and deterrence. Any comprehensive effort to control illegal immigration must also reduce the "magnet effect" of lucrative jobs in this country by encouraging compliance, fining violators, and deporting unauthorized workers. To achieve this, INS has begun to examine, renew, and, as needed, reshape incentive reduction activity and goals for immigration control.

In FY 1995, the Service is implementing limited, controlled employer sanctions pilot programs in the Los Angeles and New York City districts to determine the most productive and cost efficient ways to improve the effectiveness of employer sanctions enforcement. These pilots will enhance enforcement efforts by targeting industries historically dependent on an illegal work force; increasing reinspection of warning and fine cases, and targeting major suppliers and manufacturers of fraudulent documents, as well as individual users.

The 1996 request includes a total of 604 positions, 303 workyears, and \$79,500,000 to expand these pilots to the seven states with the largest number of illegal aliens, and institute a balanced interior enforcement program. Specifically, this initiative consists of: 357 positions (49 Investigations Special Agents, 243 Immigration Agents), 179 workyears, and \$34,800,000 to expand Employer Sanctions activities to seven states (California, Texas, Arizona, New Jersey, New York, Florida, and Illinois); 106 positions, 53 workyears, and \$11,800,000 to deter fraudulent document production and use, 72 positions, 36 workyears, and \$4,600,000 for legal proceedings, intelligence, and management and administrative support; 53 positions, 27 workyears, and \$20,000,000 to expand the Verification Information System to provide an accurate and quick look at employment status information; and 16 positions, 8 workyears, and \$8,300,000 to expand the Service's Telephone Verification System (TVS) Pilot program to almost 1,000 employers and initiate several large-scale pilots with the Social Security Administration and Department of Labor to test a variety of verification approaches, including a national employment verification system.

Detention and Removal of Criminal and Other Deportable Aliens

As a result of the Administration's border control strategy in FY 1994 and FY 1995, the Service will generate an estimated 23,250 criminal alien removals and 28,600 non-criminal alien removals in 1995. The Service projects that the number of removals will more than double in FY 1996. Toward that end, the Service is requesting a total of 1,068 positions, 535 workyears, and \$133,100,000 in detention and removal resources to facilitate the removal of those aliens. With these resources, INS will be able to keep pace with the numbers of removals generated from its comprehensive immigration initiatives. Also, these resources will allow the Service to increase its detention capacity, reduce the number of absconders, provide the resources to facilitate the legal process of removal, and locate and remove those who have absconded.

This initiative focuses on the removal of criminal and administrative cases and includes those cases identified through the Border Enforcement and Management, Work Site Enforcement and Verification, and Institutional Hearing Program and Asylum Reform Initiatives begun in 1995 and continued in 1996.

One element of this initiative provides for "absconder removal teams" (142 positions, 71 workyears, and \$11,200,000) to remove aliens with final orders of deportation. Furthermore, crucial to the removal of deportable aliens is the availability of detention space. Toward that end, this proposal includes 263 positions, 132 workyears, and \$24,700,000 to fund 1,836 detention beds in state and local detention facilities. In addition, the Service requests 200 positions, 100 workyears, and \$8,700,000 to provide for a national retention and removal network consisting of 54 replacement and 120 additional vehicles (\$9,300,000); infrastructure improvements and additional staffing of Service Processing Centers (SPCs) to operate 976 additional INS detention beds (200 positions, 100 workyears, and \$31,400,000); supplementary construction funding for two new SPC's in Buffalo, NY, and San Francisco, CA (\$15,00,000); and an automated decision support system to optimize detention space use and transportation resources (\$3,000,000).

Also, this initiative provides resources to expedite the Service's administrative deportation process for aliens convicted of aggravated felonies who are not legal permanent resident aliens (92 positions, 46 workyears, and \$10,400,000); expand its usage of the National Crime Information Center (NCIC) program to include selected aliens who fail to appear for deportation (68 positions, 34 workyears, and \$5,200,000); and expand its Institutional Hearing Program from five to seven states, adding Arizona and New Jersey (245 positions, 123 workyears, and \$19,100,000).

Finally, this initiative includes a total of 58 positions, 29 workyears and \$3,800,000 for support personnel in the Management and Administration and Legal Proceedings program areas.

Quality Immigration Statistics

A total of 10 positions, 5 workyears, and \$10,000,000 is requested to begin a Premier Center for Immigration Statistics to collect, process, analyze and disseminate data useful to all levels of government and the private sector. Specifically, this will allow for evaluating the demographic, economic and geographic impact of immigration laws, and market analysis for firms interested in immigrants as consumers, investors, and workers.

Immigration and Naturalization Service
Salaries and expenses
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and expenses

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed \$50,000 to meet unforeseen emergencies of confidential character, to be expended under the direction of and to be accounted for solely under the certificate of the Attorney General; purchase for police-type use (not to exceed \$97 of which 302) for replacement only without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; (\$1,102,671,000) As of which not to exceed \$10,000,000 shall remain available until expended (, and); the training program for basic officer training; Provided, That none of the funds available to the Immigration and Naturalization Service shall be available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of \$25,000 during the calendar year beginning January 1, [1995] 1996; Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year; Provided further, That not to exceed \$5,000 shall be available for official reception and representation expenses; Provided further, That of the offsetting collections credited to this account, \$1,240,000 are permanently canceled (94 Stat. 98-99) 22 U.S.C. 1621- 1645; 50 U.S.C. App. 2001-2017; Department of Justice and Related Agencies Appropriations Act, 1995.)

Section 286(a)(3)(A) of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1356 (a)(3)(A)) is repealed. Provided further, that the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed \$10,000,000 for programs to verify the immigration status of persons seeking employment in the United States.

Explanation of Changes:

1. The first change will allow for the purchase of passenger vehicles that will accommodate the Services's vehicle replacement needs.
2. The second change will make the Land Border Inspection Fee pilot program permanent and repeal the Southern border ports-of-entry prohibition.
3. The third change will allow the Service to implement pilot projects with the Department of Labor and the Social Security Administration which will test and evaluate approaches which may be used to verify the immigration status of persons seeking employment in the United States.

Immigration and Naturalization Service
 Budgetary Resources
 Comparison of 1965 Budget
 (Dollars in thousands)

Activity / Program	1965 President's Budget Request 1/		Reprogramming		Congressional Action on the 1965 Request		Transfer from HDTA		Technical Adjustment		1965 Appropriation	
	Fsa.	WY	Fsa.	WY	Fsa.	WY	Fsa.	WY	Fsa.	WY	Fsa.	WY
Enforcement												
Inspection	882	1,333	887,048			85	83,000				1,002	1,348
Border Patrol	5,453	5,287	440,083			-43,230					5,759	5,246
Investigation	2,822	1,825	191,515				-21,178				2,759	1,804
Immigration & Deportation	1,741	1,741	180,028			-248	-175				1,843	1,608
Indefinite	81	81	5,732								1,443	1,538
Subtotal	10,281	10,240	881,505			-3,250	-70	-18,178			10,153	9,881
Citizenship & Benefits												
Administrative & Naturalization	188	84	27,761				-189	-94	-27,281			500
Informational Affairs & Outreach							27	27	6,549			6,549
Subtotal	188	84	27,761				-162	-67	-20,662		27	7,098
Immigration Support												
Training	75	75	8,437								75	8,437
Data & Comm. Systems	180	175	53,484								180	165
Information & Records Mgmt.	799	787	51,763				-43	-22	-9,338		746	719
Consent & Engineering	12	12	9,208								12	12
Legal Proceedings	44	40	34,152				-23	-12	-1,548		42	35
Subtotal	1,359	1,433	157,704				-66	-34	-1,586		1,443	1,334
Program Director			886	937	88,884						886	882
Management & Administration			13,865	13,723	1,143,731						12,238	12,208
Total, Excludes and Expenses							-368	-171	-41,266			

1/ Includes OIA net (-\$2,568) and procurement (-\$108) savings.

Reprogramming. The reprogramming of budget authority reflects the permanent effect of the February 24, 1964, reprogramming notification. The narrative accompanying the notification stated that the reprogramming was of a permanent nature and would carry into 1965.

Technical Adjustments. In order to absorb the unfunded 1965 pay rate, 350 fewer work-years are available to INS. Also included is a technical adjustment of 100 work-years in the Management & Administration program.

Immigration and Naturalization Service
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

	1995 Appropriation			1996 Base			1995 Request			Increase/Decrease		
	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY	Perm.	Pos.	WY
Adjustments to base:												
1995 Appropriation anticipated.....												
Transfer to the Office of Inspector General: Fee Accounts Audit.....												
Transfer to the Violent Crime Reduction Trust Fund: Border Patrol Equipment and Asylum Detention.....												
Breastmilk.....												
Mandatory Increases.....												
Decreases.....												
1996 Base.....												
	12,576	12,763	1,128,081									
Estimates by budget activity												
1. Enforcement.....	10,153	9,981	844,433	10,136	10,233	884,804	12,586	11,309	81,138,904	2,448	1,076	274,400
2. Citizenship and Benefits.....	27	25	7,089	27	27	7,257	27	27	7,196			-61
3. Immigration Support.....	1,483	1,334	152,084	1,453	1,421	156,837	1,889	1,611	196,431	216	90	39,894
4. Program Decision.....	966	942	101,426	958	1,072	100,853	984	1,076	110,840	36	3	10,357
Total.....	12,629	12,302	1,104,012	12,576	12,763	1,128,081	15,276	13,922	1,463,471	2,700	1,169	324,590

Immigration and Naturalization Service
Salaries and Expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Enforcement

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease					
	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated				
Inspections.....	1,002	1,388	\$92,100	1,002	1,443	\$98,019	1,027	1,439	\$111,291	25	-4	\$13,272
Border Patrol.....	5,423	5,267	406,019	5,423	5,267	416,196	6,263	5,603	491,696	840	336	75,500
Investigations.....	1,984	1,608	150,503	1,982	1,731	155,801	2,705	2,069	221,439	723	338	65,628
Detention and												
Deportation.....	1,683	1,638	189,028	1,670	1,728	188,459	2,465	2,102	303,621	795	374	115,162
Intelligence.....	61	50	5,783	61	64	6,029	126	96	10,857	63	32	4,838
Total.....	10,153	9,961	843,433	10,138	10,213	864,504	12,586	11,309	1,138,904	2,448	1,076	274,400

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. This activity includes inspecting applicants for admission, patrolling the border, locating undocumented aliens who are in the United States following illegal entry or are in violation of their status after legal entry, detaining and deporting illegal aliens, and enforcing the employer sanctions provisions of the Immigration Reform and Control Act of 1986. In addition, it provides a capacity to scientifically examine and analyze documents to assist in the identification, investigation and prosecution of major consular cases which provide fraudulent documents to smuggled aliens.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease					
	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated				
Inspections.....	1,002	1,388	\$92,100	1,002	1,443	\$98,019	1,027	1,439	\$111,291	25	-4	\$13,272

LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

MAJOR OBJECTIVES:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States at land border ports-of-entry. (Funding for inspections at air and sea ports-of-entry is included in the Immigration User Fee budget.)

Prevent the entry of inadmissible applicants through land border ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

BASE PROGRAM DESCRIPTION: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, the U.S. Customs Service, the Department of Agriculture, and local port authorities. Determination of inadmissibility is based on examination of the application, related documents, and/or prior information. National and local lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the U.S. Any criminal activity discovered in the inspection process is referred to the appropriate law enforcement authorities for investigation.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the inspections program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
Persons Inspected.....	420,169,363	444,046,094	485,000,000	532,000,000
Vehicles Inspected - Land				
Border Inspection Fee.1/	620,421	702,621	2,000,000	2,400,000
Inadmissible Aliens				
Intercepted.....	787,699	877,772	930,000	1,000,000
Seizures of illegal Drugs.	2,950	3,000	3,000	3,000

1/ This workload indicator pertains to vehicle inspections performed as a part of the dedicated commuter lane pilot projects. The Congress extended the authorization for these projects through FY 1997 and limited the program to ports-of-entry on the northern border and the California-Mexico border. A complete discussion of this activity is contained in the budget request for the Land Border Inspection Fee account.

In action taken on the 1994 budget request, the Congress has indicated that it expects the Service to add 200 Immigration Inspectors at the land borders in 1994, to be funded from fees which are to be collected for the processing of applications for benefits for which fees are expected to be charged. The forms for which a fee would be charged include: Arrival/Departure Record (I-94); Non-Immigrant Visa Waiver Arrival/Departure Record (I-94W); Mexican Border Visitors Permit (I-444); Canadian Border Boat Landing Permit (I-68); and, Replacement Non-Resident Alien Border Crossing Card (I-586, I-185). These fees will be deposited in the Immigration Examinations Fee account, which will provide the resources for the new land border inspectors.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	WX Amount	Pos.	WX Amount	Pos.	WX Amount
Inspections.....	1,002	\$98,019	1,027	\$111,291	25	-\$13,272

Program investments of 25 positions, 13 workyears and \$14,400,000 are requested for the Inspections program in 1996 in the following areas:

Staff Automated POE Enrollment Centers (25 positions, \$900,000): This project will allow the entry of local border residents through selected northern ports-of-entry by means of an automated access system during periods when the port is closed. The program would be utilized at several limited-hours, low-risk locations and would use different forms of automated technology (such as voice verification systems, video inspections systems, card access systems, hand geometry, or other forms of biometrics). Modest increases in support staff are requested to operate the processing centers where applications for the advanced crossing permits will be adjudicated.

ENFORCE Expansion (\$9,100,000): These resources will fund the installation of the ENFORCE computerized case tracking and identification system at ten major ports. ENFORCE is an automated information system to support INS Service-wide case tracking and statistical reporting for all INS enforcement processes. It can generate labor-savings and increase productive hours for inspections personnel, providing accurate and rapid capability to manage enforcement case data, and compile enforcement performance and work load statistics. The system gives inspectors the capability to collect incident-related information into an information system, allow that system to automatically correlate the incident-related information for expert analysis, and then print the case information in various report formats. Such automation will permit immigration inspections to focus more of their time on actual enforcement activities and less on completing paper work.

Dedicated Computer Lanes (DCL) Expansion (\$3,000,000): This program enables low-risk, frequent border crossers who apply for participation in the program to transit the border through a specific vehicle traffic lane and an abbreviated inspections process, using a windshield decal and visual inspection and visual inspection, or other forms of technology. This sorting system enables all lanes to move more quickly and steadily and allows increased scrutiny of high-risk crossers. The implementation of five new DCL sites will begin during FY 1996. The sites, funded through fees, facilitate legal computer traffic flow while enabling existing staff to devote a greater percentage of primary lane hours to both processing of general traffic and enforcement priorities.

Automated Permit Ports (APP) Expansion (\$1,400,000): This project will allow the entry of local border residents through selected small ports-of-entry by means of an automated access system during periods when the port is closed for normal business. The program would be utilized at several limited-hours, low-risk locations and would use different forms of automated technology (such as voice verification systems, video inspections systems, card access systems, hand geometry, or other forms of biometrics). Six automated permit ports will be begun in FY 1995 on the northern border. This effort will be expanded with an additional six northern border sites by the close of FY 1996.

Reductions of 17 workyears and \$1,128,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
5,423	5,267	5,423	5,267	5,423	5,267	5,423	5,267
5,423	5,267	5,423	5,267	5,423	5,267	5,423	5,267

LONG RANGE GOAL: To ensure that the entry of persons into the United States between ports-of-entry is controlled in a manner that is consistent with the National interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

MAJOR OBJECTIVES:
Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border.

Between ports-of-entry, interdict drug smugglers, potential terrorists and criminals or deter them from attempting illegal entry.

Cause persons seeking admission into the United States to present themselves at designated ports for inspection.

BASE PROGRAM DESCRIPTION: The function of this program is to deter or prevent illegal entry or locate and apprehend aliens and other illegal entrants at or near the border. In addition, the Border Patrol has primary responsibility for drug interdiction between the ports-of-entry. Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems and infrared viewing devices. Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats, and horses. In addition, line watch traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason. The Patrol conducts numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in Operation Alliance along the southern border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designated authority in their basic training in Glynnco, Georgia.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Border Patrol program are presented in the following table:

Item	1995		1996	
	1995	1996	1995	1996
Deportable Aliens Apprehended 1/.....	1,263,490	1,031,668	950,000	1,450,000
Smuggled Aliens Apprehended.....	81,067	92,934	95,500	98,000
Smugglers Apprehended..	15,267	14,143	14,500	14,900

Number of Criminal Aliens Apprehended.....	33,244	33,338	34,000	34,500
Number of Seized Conveyances.....	9,602	9,134	9,200	9,200
Number of Drug Seizures.....	6,980	6,647	6,800	6,900
Value of Drug Seizures (\$000).....	\$1,336,731	\$1,620,461	\$1,650,000	\$1,675,000

1/ The number of deportable aliens apprehended includes both the count of smuggled aliens and smugglers apprehended.

ACCOMPLISHMENTS AND WORKLOAD:

In 1994 the Border Patrol apprehended 1,031,668 illegal aliens along the United States border, an 18.3 percent decrease from 1993. The level of apprehensions in the first quarter of 1995 continues to reflect a decrease in apprehensions with an 8.6 percent reduction for the same period last year. The level of apprehensions is expected to decline even further in 1995 primarily due to the on-going success of Operation Hold the Line in the El Paso border area and as a result of the enhanced deterrence effect from the 1994 and 1995 deployment of 500 new agents to the San Diego area. The level of apprehension decline is expected to moderate in 1995 and then continue decreasing again in 1996 once the 700 new agents hired in 1995 are fully deployed on the border.

The workload and accomplishments data includes the combined effects of the additional agents hired in 1994 (350 agents) and in 1995 (700 agents) with resources provided by the Violent Crime Reduction Trust Fund. The 1996 workload data also includes the efforts of the additional 700 agents requested in this budget.

The Border Patrol has made significant accomplishments in the effort to stop the flow of illegal drugs into the United States. In 1993, the Border Patrol reached a six year record level with 6,980 drug seizures for the year. There was a slight decline in 1994 with 6,647 drug seizures, a decline of 4.8 percent from the previous year. The Border Patrol Canine program continues to be a vital part of the Patrol's interdiction of drugs and the detection of concealed humans. In 1994, the canine corps assisted in the detection of over 55 percent of all the drugs seized by the Patrol. In addition, the dogs were responsible for the detection and location of \$1,600,000 of contaminated currency and the detection of 7,048 humans concealed in trucks, motorhomes, automobiles, and other conveyances. With the budget increases in 1994 and 1995, the Patrol has been significantly enhanced as an interdiction force between the ports-of-entry on the Southern border.

PROGRAM CHANGE:

Perm.	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	MY Amount	Pos.	MY Amount	Pos.	MY Amount

Border Patrol.....	5,423	\$267,416,196	6,263	\$491,696	840	\$36,375,500
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Total investments of 840 positions, 336 workyears, and \$75,000,000 are requested for the Border Patrol program in 1996.

It is too easy to enter the United States illegally at many places along our border. This encourages illegal border crossings and the smuggling of aliens and drugs. The social costs and violence associated with this

illegal traffic are increasingly burdensome to our border communities, the States in which illegal immigrants settle, and State and Federal governments. Until there are positive, long-term changes in the root causes that prompt illegal immigration, the incentives to cross illegally will remain strong and controlling the border will continue to be a difficult task. Without an effective deterrent, border control resources will continue to be overwhelmed by the "revolving door" of aliens willing to attempt illegal entry until successful. Integral to strengthening border control is the ability to estimate reliably the number of illegal crossers who successfully enter the United States. Our current reliance on apprehensions as a sole measure of effectiveness limits our ability to effectively justify, allocate, and evaluate border enforcement resources.

By the end of FY 1995, INS will have implemented Phase I of the strategy of "prevention through deterrence." With increased agents on the line and "resource multiplying" technology, the Service will have strengthened control along the Southwest border in the El Paso and San Diego areas. However, as the Border Patrol becomes more effective in the San Diego and El Paso areas, other sectors are expected to see an increase in illicit entry attempts. The next most likely areas of illicit entry attempts are the Arizona and Southeast Texas areas of the border. The Service's 1995 appropriation provides for substantial increases in Border Patrol agents. These proposed enhancements will speed the expansion of "prevention through deterrence" across more areas of the Southwest border.

This FY 1996 initiative to strengthen border management will allow for the hiring of 700 additional Border Patrol agents who are needed to direct intense efforts to those areas where the illegal entry attempts have shifted. Additional support personnel (140 positions), as well as additional contract personnel, will be hired to handle technical and administrative tasks. Intelligence gathering, analysis, and dissemination will be enhanced and provide valuable information on changing patterns of illegal entry - both routes and destination points - as well as changing patterns of smuggling activity. This initiative also provides \$3,000,000 to increase the program's ability to respond to shifting areas of need by providing greater agent mobility through agent details, rapid deployment and agent relocations. In addition, \$6,000,000 is provided for infrastructure improvements that are vitally needed to correct extensive health and safety code deficiencies to existing Border Patrol facilities in South Texas and Arizona.

To support the agent force in raising the deterrence level, \$6,000,000 in funding for technology improvements in the form of surveillance equipment - including camera systems, sensors and night vision scopes - and expansion of the automated fingerprint identification system (AFIS), will continue in 1996. These technology enhancements serve to maximize the effectiveness of the human resources now on the line and minimize the need for staffing increases in the future.

Another vital border control component is the air operations unit which enhances agents' effectiveness on the ground in the deterrence of illegal entry attempts. Funding of \$1,100,000 is requested for an additional aircraft equipped with night vision equipment, infrared units and high-intensity lights, essential for covering the vast reaches of the border.

As the Border Patrol gains control over the targeted border areas, the following results and measures of success are anticipated:

- reduced apprehensions in areas of main effort
- reduced recidivism rates measured through positive identification capabilities, beginning in 1996

reduced border community crime and nuisance complaints in areas of effort

increased productivity for average case processing time for Entry Without Inspection (EWI) for Other than Mexican (OTH) cases. (Currently, processing time ranges from 5 minutes to 3 hours. With proposed automated systems in place, the goal will be a range of 2 minutes to 30 minutes.)

Improved statistical reporting through the use of automation.

changed traffic patterns between ports-of-entry. (Alien smuggling routes will be disrupted and illegal traffic will be deterred, or forced over more hostile terrain less suited for crossing and more suited for enforcement operations.)

increased traffic (both legal and illegal) through ports-of-entry. False claims to U.S. citizenship will increase. False document use will increase.

increase alien smugglers' cost of doing business.

1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
Anticipated		Perm.		Perm.		Perm.	
Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount

Investigations..... 1,984 1,608 \$150,503 1,982 1,731 \$155,801 2,705 2,069 \$221,429 723 338 \$65,628

LONG-RANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

MAJOR OBJECTIVES:

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities.

Deter the employment of illegal aliens by identifying and targeting employers of unauthorized workers and then vigorously pursuing administrative and criminal sanctions against those who violate the law.

Prosecute and deter arrangers, facilitators and smugglers who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Identify criminal aliens incarcerated in Federal, State and local prisons to facilitate their deportation upon completion of their sentences.

Prosecute aliens who illegally apply for and collect benefits from government entitlement programs, prevent the

filing of fraudulent claims, and support civil proceedings to recover benefits illegally obtained.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings, develop grounds for denial of petitions and applications, and obtain government evidence for administrative proceedings.

BASE PROGRAM DESCRIPTION: The functions of this program include the detection of criminal law violations and the identification of violators through covert operations and other investigative procedures, and initiation of criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly-organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking, and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Investigative task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization.

Another major area of investigations activities involves employers who knowingly hire illegal aliens and aliens who enter the United States and illegally obtain employment. Administrative and criminal investigations are accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and reviews of public and business records. Investigations often require the service of subpoenas and search warrants to obtain evidence or to gain access to employment sites.

Criminal Aliens

The Immigration Reform and Control Act and other statutes mandate expeditious identification and processing of aliens convicted of deportable offenses.

During FY 1992, the Department of Justice (DOJ) conducted a survey of Federal and state correctional systems and submitted a report of its findings to the Senate and House Judiciary Committees. The survey reflected that over 57,000 foreign-born nationals (FBN) were incarcerated (based on felony convictions) in the Nation's Federal and state penitentiary systems. Currently, INS is unable to accurately determine the total number of prison inmates in the United States who are "criminal aliens" as required by §510 of the Immigration and Nationality Act of 1990 (IMNACT '90). However, the Service continues efforts to determine the number of FBNs as §507 of

¹ Section 507 of the Immigration Act of 1990 requires the fifty states (and Guam, the U.S. Virgin Islands, Puerto Rico and the District of Columbia) to submit plans for furnishing to INS data concerning FBNs convicted of certain crimes within their states (e.g., many narcotics violations, crimes involving moral turpitude, etc.) and to provide certified records of conviction for those FBNs that INS has identified as deportable criminal aliens. The states have responded positively to this requirement of law. As the law is being implemented, investigations are able to obtain, more expeditiously and systematically, information required under the law. Therefore, the incarcerated criminal aliens will be able to begin the IHP more efficiently. The availability of records of conviction expedites processing of aliens for deportation, and greatly facilitates the administrative hearing process.

IMMIGRATION '90 is further implemented. It is anticipated that as these and other laws are more fully implemented and the Institutional Hearing Program (IHP) in Federal, State and local prisons is fully operational, the INS will be better able to accurately determine the number of deportable aliens in the Nation's prison systems, process them for deportation proceedings, and, upon receipt of final orders of deportation and completion of their sentences, remove them from this country.

The Investigations program is working in close coordination with the Executive Office for Immigration Review (EOIR) to improve and expand, where necessary, the IHP, so that incarcerated alien felons can be identified and processed for deportation proceedings and complete the entire deportation hearing process during the period of their incarceration. Upon the completion of their sentences, the aliens can then be immediately removed from the country without coming into INS custody, without the attendant delay for continued administrative (deportation) hearings and, most importantly, without being detained at additional government expense.

In 1992, the Service began targeting violent criminal alien gangs in 36 U.S. cities. This effort focuses on violent criminal alien gangs in designated cities where INS special agents, frequently in coordination with other law enforcement officials, seek to identify, apprehend, convict, and remove from the country alien members of these criminal groups and ultimately dismantle their organizations. The investigations program will continue its commitments to the Organized Crime Drug Enforcement Task Force (OCDETF) and the Violent Gang Task Force (VGTFF) efforts and work in coordination with other Federal, State, and local law enforcement agencies to place serious criminal offenders who are aliens into deportation proceedings, and, where applicable, remove them from the U.S.

Fraud and Smuggling

The principal goal of the Fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting major criminal organizations involved in immigration fraud for criminal prosecution. One investigation recently completed by INS resulted in the dismantling of one of the largest counterfeit document manufacturing and distribution organizations in INS history as a result of this investigation, the INS seized 250,000 fraudulent documents valued at over \$7,000,000, two printing presses, counterfeit currency, and handguns, with regard to alien smuggling, the growing problem of Chinese alien smuggling by sea is of particular concern. In FY 1993, six boats were seized in United States territorial waters with Chinese seeking asylum. The boat smuggling investigations are complex, expensive, and international in scope. One recent smuggling vessel carried more than 500 illegal aliens. Boat smuggling investigations involve interpreter costs, domestic and international travel, specialized equipment needs, large numbers of smuggling suspects, and high witness and prosecution costs. There were also ten boats intercepted before reaching U.S. waters. This has changed the dynamics of the Chinese smuggling. The smuggling continues but the interception is occurring primarily outside the U.S. Instead of boats with large numbers of people, the intercession appears to be in smaller numbers using a variety of illegal entry methods. This is expected to increase the number of smuggling attempts and, therefore, smuggling investigations in the future.

Employer Sanctions

Investigations enforcement resources for employer sanctions are primarily directed to lead-driven investigations, while continuing to conduct a sufficient number of random inspections to gauge the national

compliance rate. Due to their complexity, lead-driven investigations and investigations involving repeat offenders require more time to complete. Consequently, the number of completed cases has decreased over the past three years.

ASSETS FORFEITURE

The investigations program is also responsible for the management of the Service's assets forfeiture activities.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Investigations program are presented in the following table:

Item	1993	1994	Estimate 1995	
			1995	1996
Criminal Organizations 1/				
Cases Completed.....	100	98	98	98
Defendants Prosecuted....	250	359	300	300
Cases completed per workyear	1.0	.9	1.0	1.0
Deportable Aliens Apprehended				
Criminal Aliens 2/.....	43,633	44,168	49,200	85,100
Seized Aliens.....	12,195	12,926	12,900	13,400
Other.....	17,126	17,729	17,900	18,900
Employer Sanctions				
Lead Investigations.....	4,474	4,397	4,500	5,000 3/
General Administrative Plan				
Inspections.....	1,389	1,408	500	1,500
Notices of Intent to Fine..	1,302	1,063	1,100	1,780
Lead Investigations per				
workyear.....	23.7	24.8	25.0	25.0
General Administrative Plan				
Inspections per workyear	69.8	71.8	71.8	71.8
Fraud 4/				
1. Organizations/Facilitators				
Cases Completed.....	571	571	571	600
Defendants Prosecuted	161	137	140	160
Cases Completed per				
workyear.....	10.0	6.4	6.4	6.4
2. Individuals				
Cases Completed.....	198	1,117	1,100	1,100
Defendants Prosecuted	19	30	30	30
Cases Completed per workyear	39.0	80.3	80.0	80.0

Smuggling
 Cases Completed..... 1,119 1,078 1,078 1,100
 Defendants Prosecuted.... 1,590 1,279 1,279 1,300
 Cases Completed per workyear 3.2 3.2 3.2 3.2

1/ Includes workload related to Violent Gang Task Forces beginning in 1992.
 2/ Includes incarcerated criminal aliens who will be released to INS after completion of their sentence.
 3/ Full impact of requested enhancement in employer sanctions resources will appear in 1996, at which time the program will be able to complete 10,000 lead-driven cases and issue 1,700 Notices of Intent to Fine.
 4/ Decrease in Fraud workload is related to the shift of resources to Violent Gang Task Forces.

PROGRAM CHANGES:

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	FY Amount	Perm.	FY Amount	Perm.	FY Amount
Investigations.....	1,982	1,731	\$155,801	2,705	\$221,429	723 338 \$65,628

Total investments of 723 positions, 338 workyears, and \$65,628,000 are requested for the Investigations program in 1996 in the following areas:

Anti-Smuggling - 98 positions, 49 FY, and \$10,700,000

This request will enhance the Investigations Division's ability to identify, disrupt, prosecute and effect the removal of major alien violators from the United States. Alien smuggling is not solely an immigration problem, nor should it be confused with the problems of refugees, displaced persons or migrant labor. Alien smuggling is an organized crime problem involving sophisticated criminal organizations that transport human cargo. The primary focus of this initiative is those aliens involved in organized alien smuggling activity, targeting major international alien smuggling.

The resources identified in this initiative are an integral part of the INS Southwest Border Strategy, and will primarily be assigned to Anti-Smuggling Units in the Southwest border sectors and adjacent districts. Secondly, resources will be allocated to foreign international interdiction efforts to enhance cooperative efforts with other U.S. and foreign law enforcement agencies to promote a deterrence of major international trans-national alien smuggling. This proposed initiative supports INS efforts to stop the "revolving door" through a strategy of "deterrence through prosecution and removal". With the anticipated budget increase, the program will increase its anti-smuggling efforts by hiring and training 98 new agents and support personnel by the end of FY 1996.

The operational pro-active enforcement strategy will focus on identifying, targeting and immobilizing alien smuggling organizations engaged in the smuggling and transporting of illegal aliens into the United States. These investigations will concentrate prosecutions of principals and their associates by targeting these organizations at the source countries overseas, transit routes, and final destinations in the United States. The additional positions will be distributed at nine existing Anti-Smuggling southwest border locations and eight adjacent districts where productivity and effectiveness are high, yet current resources are inadequate to sustain a strong enforcement posture.

This initiative depends on an appropriate blend of personnel and new technology, to include the development and implementation of automated identification capabilities such as the Automated Fingerprint Identification System (AFIS) that will enable investigations personnel to identify and present for prosecution major violators involved in organized alien smuggling.

Interior Deterrence - 454 positions, 227 workyears, and \$43,000,000

INS will institute a balanced interior enforcement program concentrating on the seven states with the largest illegal alien populations. The proposed strategy will use both the lower grade level Immigration Agent (GS-1801) and the current Special Agent (GS-1811) to provide a strong, enhanced enforcement presence throughout the Nation. Using Immigration Agents to pursue lower-level case work will allow the current force of Special Agents to focus on higher-level complex investigations involving fraud, employer sanctions, lead driven investigations and criminal prosecutions, and long-term law enforcement task forces directed toward violent criminal activities involving aliens or alien gangs. Additional Special Agents will be used to enhance the above stated higher level complex case work.

Examples of lower-level case work for the Immigration Agents include, but are not limited to: reactive criminal alien identification and processing through the Institutional Hearing Program (IHP); screening local and county jail populations; systematic contacts with probation and parole offices to identify and process convicted aliens who are amenable to deportation; compliance audits of Department of Labor referrals; National Targeting Program assignments; General Administrative Program (GAP) assignments; issuing 274C notices of intent to fine; support for the Telephone Verification System pilot program; and, handling routine telephonic employer inquiries.

Employer Sanctions, 348 positions, 174 workyears, and \$31,200,000

In FY 1995, INS is implementing an enhanced interior enforcement demonstration in the Los Angeles and New York districts to develop stronger understanding of interior deterrence. This enhancement request will expand the demonstration to provide a more comprehensive programmatic approach by adding automation and task force funding, as well as increase the level of dedicated resources. It will also expand the comprehensive demonstration to the following 10 additional districts: Miami, Atlanta, Dallas, New Orleans, Boston, Chicago, Philadelphia, San Francisco, Phoenix, and Newark.

This initiative will help the Service reduce the magnet of illegal job opportunities by targeting industries historically dependent on an illegal work force; increasing reinspection of INS warning and fine cases; and, targeting major suppliers and manufacturers of fraudulent documents, as well as individuals who knowingly use or receive fraudulent documents for the purpose of complying with employment verification. Enforcement personnel will further be responsible for the identification, apprehension and removal of alien administrative violators from the work place and for the preparation and issuance of 274C document fraud Notices of Intent to Fine (NIFs) to or against individuals who use, create, provide or accept fraudulent documents to obtain unauthorized employment in the United States.

Fraud, 106 positions, 53 workyears and \$11,800,000

An increase in GS-1811 positions (Special Agents) will result in a significant increase in productivity related to the investigation and prosecution of fraudulent document vendors and facilitators. Existing GS-1811 positions can be realigned to pursue complex employer sanctions and/or document fraud investigations.

Employer Sanctions/Fraud Anticipated Results:

Additional completed sanctions cases within each of the following categories:

500 complex lead-driven cases, other than DOL leads and follow-ups

5,000 targeted industries inspections

2,400 Department of Labor leads

3,000 follow-up inspections

1,900 additional employer sanctions NIFs

6,000 additional apprehensions

2,000 additional civil document fraud NIFs

300 additional criminal prosecutions

Removal of Criminal Aliens - 171 positions, 86 workyears, and \$13,900,000

In FY 1995, resources from the Violent Crime Reduction Trust Fund (VCRTF) will be used by INS in the first phase of an initiative devised to expand efforts to expedite the removal of criminal aliens. The FY 1995 resources will allow INS to identify and process for removal criminal aliens incarcerated in targeted state correctional institutions in California, Texas, Florida, New York, and Illinois, and in the Federal Bureau of Prisons system. The VCRTF also provides Immigration Judges and Executive Office for Immigration Review (EOIR) support personnel to conduct hearings in correctional settings for those criminal aliens identified and processed. The INS investigative resources and the Immigration Judges will be recruited, hired, equipped and trained during FY 1995, and on-board and fully functioning by FY 1996.

However, based on a state-by-state resource evaluation conducted during FY 1994, additional positions are needed by the investigations program to completely implement the IHP enhancement in the five largest states and the Federal prison system. This initiative also contains the resources needed to expand the program to Arizona and New Jersey.

Investigative personnel will be assigned to targeted prison intake facilities to identify criminal aliens at the beginning of their sentences. Charging documents will be prepared, served, and filed with EOIR early during the criminal aliens' sentences, ensuring that the hearing process will be completed well before the criminals complete their sentences.

Reductions of 24 workyears and \$1,972,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
Anticipated											
Perm.			Perm.			Perm.			Perm.		
Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY	Amount
Detention and											
Deportation.....											
	1,683	1,638		1,670	1,728		2,465	2,102		795	374
		\$189,028			\$188,459			\$303,621			\$115,162

LONG-RANGE GOAL: To detain, until ready for removal, aliens subject to exclusion and deportation proceedings who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

MAJOR OBJECTIVES:

Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible.

Ensure that adequate alien detention capability is available by staffing and maintaining nine Service Processing Centers (SPCs), and detaining aliens when necessary in non-INS facilities which meet INS standards.

Allow other enforcement programs to operate effectively by quickly removing detained aliens.

BASE PROGRAM DESCRIPTION: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-Service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Detention and Deportation program are presented in the following table:

Item:	1991 1/	1994	Estimate	
			1995	1996
Detention:				
Aliens detained (Total)...	72,764	74,479	77,429	110,537
INS Facilities.....	31,153	31,510	31,510	40,787
Non-Service Facilities...	41,611	42,969	45,919	69,750
Number of detention days.	1,694,323	1,784,471	1,788,621	2,359,221
INS Facilities.....	720,289	759,828	759,828	982,478

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Non-Service Facilities...	974,034	1,024,643	1,028,793	1,376,743
Expulsions:				
Aliens expelled.....	1,286,487	1,073,228	1,082,078	1,146,008
Voluntary departures under				
docket control.....	7,701	6,000	6,000	7,500
Voluntary departures not				
under docket control...	1,232,119	1,022,976	1,022,976	1,022,976
Deportations effected....	42,666	40,000	48,850	111,280
Exclusions effected.....	4,001	4,252	4,252	4,252
Deportable aliens located,				
percentage expelled....	80%	95%	95%	95%
Expelled aliens, percentage				
detained.....	5.7%	5.6%	7.1%	10.3%
Recognition, Bond and				
Supervision:				
Aliens released on				
recognition.....	2,712	3,307	3,307	2,480
Aliens placed on bond....	65,345	96,012	96,102	72,009
Aliens placed under				
supervision.....	783	389	389	292

1/ Prior to 1993, workload statistics funded by both the Salaries and Expenses appropriation and the Immigration User Fee account were combined.

Estimates include workload associated with the Institutional Hearing Program and asylum reform enhancements which are supported by the Violent Crime Reduction Trust Fund (VCRTR).

During 1994, the Detention program operated nine SPC's: Boston, Varick Street, Aguadilla, Yuma, Port Isabel, El Paso, El Centro, Florence and San Pedro. The combined capacity of these nine facilities is now 2,556 beds. INS utilized four private contract detention facilities, located in Denver, Laredo, Houston, and Seattle. These facilities provided an additional 775 bed spaces for INS. A standard statement of work for contract facilities has been developed and will be used for future contracts with private sector entities. INS also contracts with over 900 State and local prisons and jails for bed space to detain aliens.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease		
	Perm.	Pol.	Perm.	Pol.	Perm.	Pol.	
Detention and Deportation.....	1,670	1,728	\$188,459	2,465	2,102	\$303,621	795
							374
							\$115,162

Interior Repatriation - 6 positions, 3 workyears and \$4,700,000

This initiative would pilot a limited voluntary interior repatriation program in the San Diego border area. It would target limited resources to the most serious violators attempting entry between and at Ports-of-Entry (POEs) in the San Diego border area. Violators targeted for interior repatriation will be given two options: to voluntarily receive transportation to the interior of Mexico, or face detention and removal, significantly complicating their ability to re-enter or obtain future immigration benefits.

The initiative is designed to augment the overall Border Control Strategy by: 1) removing the prospect for easy re-entry for the highest risk, most serious violators; 2) increasing the deterrent effect of apprehensions to all those attempting illegal entry by increasing the risks associated with attempting illegal entry (specifically, the expected costs associated with apprehension); and, 3) demonstrating the relative effectiveness of interior repatriation through appropriate evaluation.

Detention and Deportation program costs include contract air service, short-term holding (less than 24 hours), and provisions for contract or permanent ground transportation.

In order to establish a deterrent effect at the border, the Service has two general options: 1) increase the risk of apprehension, and, 2) increase the cost of being apprehended. Resources provided in FY 1994 and FY 1995 focus on increasing the risk of apprehension at and between land border ports-of-entry in areas most at risk for illegal entry including: Border Patrol agents and support, equipment, technology, fences, and lighting, and a limited increase of immigration inspectors. There has not been a significant effort to increase the costs associated with apprehension.

Options for increasing the costs associated with apprehension for Mexican nationals who, for the most part, elect to be voluntarily returned to the border include: detention and removal, arrest and prosecution, and interior repatriation. These are all costly options, virtually impossible to carry out in large scale due to limited INS and criminal justice system capacities and priorities. Other problems have included: effectively identifying recidivists, and obtaining approval from Mexico for interior repatriation.

This initiative will pilot a limited voluntary interior repatriation program in the San Diego border area. It would target limited resources to the most serious violators attempting entry between and at POEs in the San Diego border area. It will make use of the positive identification capabilities and violation records that will be available through the automated fingerprinting (AFIS) and automated enforcement case processing (ENFORCE) resources deployed in fiscal years 1994-1996. San Diego is considered the most appropriate location because it remains the highest volume location for illegal crossers. In addition, large economies of scale can be realized in San Diego with the chartering of air transportation.

Violators targeted for interior repatriation will be given the choice of voluntarily receiving transportation to the interior of Mexico or facing detention and removal, significantly complicating their ability to re-enter or obtain future immigration benefits. The voluntary element of the repatriation should be acceptable to the Mexican government and immigrant rights groups.

Detention Space - \$15,000,000

Increases in the level of resources for the Border Patrol must be complemented by an appropriate increase in resources for the Detention and Deportation program. If the Service is to create an effective deterrent for those entering the country illegally, it also needs the ability to detain those aliens who are apprehended and should not be released into the community. However, the demand for detention bedspace exceeds bedspace availability and staffing. Due to this lack of detention space, many aliens who would otherwise be held in detention awaiting deportation are released. This fact has added to the "revolving door" effect of illegal migration.

Furthermore, experience gained from the El Paso border control effort has shown that there will be an increased need for longer-term detention as the mix of apprehended aliens changes from predominately Mexican nationals to Central Americans, other non-Mexican aliens, aliens claiming asylum, and aliens attempting entry through the use of false documents or making false claims to U.S. citizenship at the land border ports-of-entry. In addition, the number of criminal aliens arrested by the Border Patrol will increase as a result of the expanded use of positive identification systems.

The Service has been criticized for releasing criminal aliens because of detention capacity shortages. routinely A deterrent effect is not established when detainees, who are highly likely to abscond prior to their deportation hearings, are released after a few days in detention.

Historically, the INS detention program has been underfunded. Compounding the problems caused by underfunding is the fact that a base for structural repairs and alterations necessary at the various facilities has not been provided. This has led the program to often address unexpected facility needs by using funds that had been set aside for staffing or travel and detention. The long-term result of these circumstances is that over 1,400 bedspaces are now available but cannot be used because of the lack of funding. This roughly equates to an additional 21,068 aliens that the Service would be unable to detain (526,695 detention days).

In addition, the Service will have 400 beds coming on line in FY 1996 in the El Paso Service Processing Center (200 funded from Assets Forfeiture Fund (AFF) in 1991 and 200 funded in the Bureau of Prisons Building and Facilities appropriation in 1994). These beds will directly support the Border Control effort along the Southwest border.

The Detention and Deportation program is the "end" of the INS enforcement "pipeline". Everything the Service's enforcement efforts accomplish ultimately ends up with the Detention and Deportation program, either detaining aliens or securing the documentation needed to get illegal aliens out of the country. INS cannot continue to enhance its enforcement operations without a commensurate increase in its ability to detain and deport the aliens it apprehends. In simplest terms, increases in investigative and border control activities have out-paced growth in INS' Detention and Deportation program.

Fully staffing the total available beds in the Service would not only provide additional bedspaces to an already underfunded program, but would increase the safety for staff and facilities and allow for a more efficient operation in processing Final Orders of Deportation and Exclusion. The latter objective is the purpose of the Det program, and arguably the entire enforcement initiative. When the capability to detain and ultimately remove illegal aliens is not available, the deterrent effect on illegal immigration is lost and enforcement efforts are much less effective.

Therefore, the Service requests \$15,000,000 to utilize all available bedspaces along the Southwest border to the fullest extent possible. This represents a total increase of 1,010 beds (including the 400 for El Paso), giving the ability to detain 14,746 additional aliens in 1996. This request is summarized in the following table:

DETENTION FUNDING REQUEST

FACILITY	BEDS	INS POS.	CONTRACT POS.	AT&W	STAFF (\$000)	TOTAL (\$000)
EL CENTRO	138	0	0	1,052	0	1,052
EL PASO	400	0	200	0	7,020	7,020
FLORENCE	120	0	0	696	0	696
PORT ISABEL	318	0	89	2,500	3,124	5,624
LAREDO	34	0	0	602	0	602
ELOY	0	0	0	550	0	550
TOTAL	1,010	0	289	5,400	10,144	15,544

Interior Deterrence - Sanctions - 45 positions, 23 FY, \$2,100,000
In order for the employer sanctions program to serve as the intended deterrent, deportable aliens who are encountered as a result of sanctions operations must be detained and deported. This enhancement will provide funding for additional Detention and Deportation positions to manage the cases generated by the additional agents assigned to the Investigations program. These personnel would be added in areas where sanctions enforcement will be enhanced. Additionally, the Service will be able to detain those aliens who are most likely to abscond and will be able to remove more aliens once deportation orders are issued. This proposal will generate approximately 800 removals the first year and 1,600 on an annual basis.

Institutional Hearing Program - 24 positions, 12 FY, \$1,800,000
The Detention and Deportation program tracks the cases through the Institutional Hearing Program (IHP); updates the necessary data bases; provides case status updates to inmates and their attorneys; obtains required travel documents; makes the necessary travel arrangements including notification of foreign governments; secures the warrants of deportation; and physically removes the criminal alien from the country, including airfare, escorts when necessary to protect the travelling public or to ensure the criminal's arrival at the intended destination.

Resources were previously requested to enhance the IHP in the Federal prison system, and in the five states with the largest foreign-born prison population: California, Florida, Illinois, New York, and Texas. The resources requested in this package will allow for further expansion into two additional states with large foreign-born prison populations, Arizona and New Jersey. Once these two enhanced IHPs are fully operational, removals are estimated at 1,200 annually.

Included in the request are 5 docket teams and 5 Detention Enforcement Officers (DEOs) for the New Jersey IHP; 3 docket teams and 3 DEOs for the Arizona IHP; 6 semi-vans; 4 vehicles; and Alien Travel Detention and Welfare (AT&W) funding to support 950 removals in FY 1996.

Abandonment Removal Teams - 142 positions, 21 FY, \$11,200,000
Funding is requested to support efforts to remove aliens with final orders of deportation and to locate and remove absconders. It is anticipated that these resources will be allocated to states with the largest illegal alien populations. The Service will initiate cross-program operations in implementing this activity. Funding in the amount of \$5,800,000 will support staffing increases of 142 officers (71 FTEs). An additional \$5,400,000 for detention and removal of these 8,600 alien absconders is required. The total cost for this portion of the initiative is \$11,200,000.

Non-Service Detention - 218 positions, 109 FY, \$22,600,000
Critical to the removal of deportable aliens is the availability of detention space. This element of the initiative includes funding for 2,451 additional beds in order to enhance overall efforts. Resources were requested in the element of this initiative for "detention in space" support 1,070 of these beds. The remaining 1,441 beds will be mainly in State and local detention facilities throughout the country where space can be made available to the Service. To support these beds and the related alien travel, \$13,600,000 will be required. In addition, to fully utilize the 1,441 bed spaces, an additional 218 positions (109 FTEs) will be required at a cost of \$9,000,000. Total funding of \$22,600,000 for this part of initiative will result in 8,500 removals.

Administrative Deportation of non-Legal Permanent Resident (LPR) Aggravated Felons - 92 positions, 46 FY, \$10,400,000

Funding is requested to effectively implement the provisions of the Violent Crime Control and Law Enforcement Act of 1994 which establishes an expeditious administrative deportation process for aliens convicted of aggravated felonies and who are not lawful permanent residents. This initiative, when properly staffed and funded, will simplify the deportation process in a large number of cases and significantly improve the removal system. It is anticipated that the workload for this element of the detention and removal initiative will be in the States with the largest illegal alien populations. Funding of \$3,700,000 will support staffing increases of 91 positions (46 FTEs). An additional \$5,600,000 for the detention and removal of 3,600 aggravated felons is also required. The total cost for this element of the detention initiative is \$10,400,000.

Warrants of Deportation in NCIC - 68 positions, 34 FY, \$5,200,000

Due to enabling legislation contained in the Violent Crime Control and Law Enforcement Act of 1994, the Service will expand its usage of the NCIC data system to locate aliens who fail to appear for deportation. In order for INS to expand the agency's existing NCIC Program, an additional 68 positions (34 FTEs) and \$2,800,000 is required. In addition, \$2,400,000 will be required for detention and the removal of 1,800 absconders projected to be processed as a result of this element of the detention and removal initiative. The total cost for this part of the initiative is \$5,200,000.

National Detention and Removal Network (Vehicles, Optimization System, and Infrastructure Improvements) - 200 positions, 100 FY, \$43,700,000

To support this increase in alien removals, an effective detention and removal network is essential. New and replacement vehicles to enhance an aging fleet are a crucial element. Funding in the amount of \$7,300,000 will enable INS to acquire replacement and new vehicles for the Detention and Deportation program fleet. Types of vehicles which will be acquired include: interurban buses, school buses, vans, and sedans. These vehicles will be distributed to strategic transportation hubs throughout the Nation. The fleet is distributed based on workload factors. These hubs are located in New York, NY, Salisbury, MD, New Orleans, LA, Miami, FL, Tallahassee, FL, Denver, CO, Detroit, MI, Chicago, IL, El Paso, TX, Houston, TX, Portland, OR, Phoenix, AZ, and Sacramento, CA.

Infrastructure improvements to INS Service Processing Centers are required to ensure that they can operate at full rated capacity. El Paso, Krome, and Port Isabel require \$10,000,000 to complete badly needed renovations. Additionally, \$15,000,000 is required for construction of new strategically located SPCs in Buffalo, New York and San Francisco, California. Increased staffing of 200 positions (100 FTE), at a cost of \$8,400,000, is needed to fully utilize existing bedspaces in the SPCs and contract facilities.

With the vehicles and adequate detention space available, resources are needed to develop a computer system which will enable INS to maximize the utilization of detention and transportation resources. This "Optimization System" will be a decision support system that will tell INS the optimal available INS detention sites for all aliens to be detained throughout the Nation. The system will also provide decision support recommendations regarding the best allocations of the current transportation fleet, as well as furnish capital budget recommendations required for long-range planning for future detention sites and fleet additions. Even a minimal savings of three to five percent of an operating budget of approximately \$100,000,000 will result in multi-million dollar savings for each year of operation. The savings from optimal capital budgeting recommendations make the Optimization System a decision support system worthy of development and implementation. Estimate development costs are \$3,000,000. The total cost for this element of the detention and removal initiative is \$43,700,000.

Reductions of 24 workyears and \$1,538,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Intelligence.....	61	60	\$5,783	61	64	\$6,029	126	96	\$10,867	65	32	\$4,839

LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency.

MAJOR OBJECTIVES:

Provide the tactical/operational intelligence assistance and support needed by the Chief Patrol Agents, District Directors, and field units to accomplish their mission.

Provide strategic intelligence assessments to INS management that have long term importance/relevance to the mission of the agency in terms of operations, planning and policy.

Maintain liaison with appropriate United States and foreign government agencies on immigration and national security matters including the movement of known or suspected international terrorists.

Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

BASE PROGRAM DESCRIPTION: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other frauds.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Intelligence program are presented in the following table:

Item	Estimate		
	1993	1994	1995
Cases received for examination of fraudulent documents at the FDL	1,722	1,482	1,600
Cases completed for examination of fraudulent documents at FDL	1,595	1,490	1,585
Cases received at EPIC for input (total)....	23,826	22,200	23,000
Mails II lookouts received	10,843	10,000	54,000
OMIS cases received	1,737	1,200	9,000
Input completed at EPIC (total)	25,279	21,000	70,000
Fraudulent documents microfilmed	17,603	17,500	50,000
CASIS cases entered into database	14,343	10,000	25,000
Mails II records entered into database	3,323	3,500	3,000
Queries of INS databases at EPIC	5,023	5,000	6,500
Positive INS response provided to EPIC queries	824	800	1,900
Published intelligence products (FDL)	40	35	40
Persons trained by FDL in detection of fraudulent documents and identification of documented evidence	1,753	1,453	1,500
Cable traffic received for distribution	71,972	176,304	201,500
INS Command Center cases processed (MCIC, VISA, MAILS, field operations)	31,937	34,715	37,837
Intelligence products produced by INS Command Center, (e.g., cables, reports, etc.)	63,840	107,352	126,500
Liaison Projects requests (Arrival Assistance, Traces, misc.)	4,950	8,144	82,000
Coordinate Cases (Permanent Residency, Citizenship and Liaison, etc.)	210	349	400

Forward classified record check hits from
 OCA's to INS Field Offices..... 99 107 125 125
 Published Intelligence Products by the
 Intelligence Analysis Section..... 136 289 139 157
 Intelligence Reports received, analyzed and
 evaluated by the Analysis Section..... 2,932 3,080 3,234 3,395

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Per. FOI.	MY Amount	Per. FOI.	MY Amount	Per. FOI.	MY Amount
Intelligence.....	61	\$6,029	126	\$10,867	65	\$4,838

Field Intelligence Groups
 To support the strengthening of border management, the Intelligence program must be enhanced to be able to provide long-term, strategic information and short-term, time-sensitive tactical information. To accomplish this, resources are needed to collect, analyze and disseminate information emanating from and to all operational, policy and executive levels. With the resources in this request, Field Intelligence Groups (FIGs) will be established at key Southern border locations, staffed with intelligence research specialists/analysts, special agents, and administrative support personnel. An increase of 49 positions, 25 workyears and \$3,900,000 is requested for the establishment of FIGs and for the enhancement of regional and headquarters analysis in support of strengthening the border.

In order to support a strategy to strengthen border management and control, intelligence resources are needed to ensure the continuous flow and analysis of information from all domestic and foreign operational activities and to provide the time sensitive, tactical intelligence to the district offices and Border Patrol sectors. This intelligence is necessary to utilize more effectively the resources of all the INS operating divisions.

Each group will be comprised of Criminal Investigators, Intelligence Research Specialists/Analysts, and support personnel. The FIGs, in conjunction with the Headquarters and regional intelligence staff will furnish enhanced and expanded tactical/operational intelligence support, as well as individual case analysis support, to all INS field personnel within their respective jurisdictions.

The agents will be responsible for establishing and maintaining liaison with all INS field operations personnel to ensure the continuous flow of information relating to illegal entry, smuggling, document/application fraud, criminal activities, terrorism and narcotics, to their group, the region, and Headquarters through appropriate channels. They will maintain liaison with the intelligence divisions of local, State and other Federal law enforcement agencies in their areas of responsibilities (AOR). Through the use of confidential informants, the agents will independently develop information relating to smuggling, fraud, and criminal activities. This information will be analyzed and provided to the appropriate operating division. The analysts will collate and analyze the collected information and disseminate the time-sensitive tactical/operational intelligence information in an expeditious manner. They will also provide on-site intelligence analytical support to field operations within their AOR (smuggling cases, criminal investigations, and OCDET).

The FIGs will be networked with each other, as well as intelligence staff at the regional and Headquarters

Analysis Section. The FIGs differ from the Headquarters Analysis Section in the following ways:

They are primarily responsible for the tactical/operational intelligence within their AOR. Headquarters is responsible for pulling together the nationwide/worldwide tactical overview. The groups have a limited role in strategic intelligence products. Headquarters has primary responsibility for strategic products.

Case support for investigations within a district or sector in the AOR of the FIG would be the responsibility of that FIG. Investigations that involved districts/sectors of several groups would have case support from Headquarters in conjunction with regional intelligence (i.e. multi-district/sector smuggling, criminal, and fraud cases).

The FIGs, in conjunction with regional intelligence, will give the District Director (DD), Chief Patrol Agent (CPA), Regional and Headquarters program managers a complete, analyzed picture of what is occurring in their area of responsibility. This will assist District Directors and Chief Patrol Agents in making decisions as to the deployment of resources, resulting in increased alien apprehensions, fraud intercepts, and criminal and smuggling cases. The various operational units will be networked with their counterparts in other districts and sectors through the FIGs. The analysis that can be provided for investigative case support by the groups will be of great value to investigations/anti-smuggling in reducing manhours per case and providing a linkage to similar cases that may be underway in the FIG's AOR. Inspections operations will be provided with a localized trend data and analysis that will identify the various fraud schemes that are occurring.

Forensic Document Laboratory

Additional resources are necessary to expand the Forensic Document Laboratory (FDL). Sixteen positions are required to increase the FDL's support capabilities, such as the identification of fraudulent documents and assistance in identifying and removing illegal aliens from the country. This support also includes training of state and local law enforcement officers, department of motor vehicles and other state and local authorities in the identification of fraudulent documents. The additional positions will also provide the ability to expand the hours of operation of the FDL for document verification checks. These resources will be used to keep pace with the expected increased workload relating to criminal fraudulent document prosecutions, to include forensic examinations, latent fingerprint capabilities, and evidence control. Funding is required to obtain additional space and to update equipment to meet the above requirements.

Reductions of 1 workyear and \$62,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

Activity: Citizenship and Benefits

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	WY	Perm.	WY	Perm.	WY
	FOL.	Amount	FOL.	Amount	FOL.	Amount	FOL.	Amount
Adjudication and Naturalization.....	...	\$500	...	\$500	...	\$500	...	...
International Affairs and Outreach.....	27	6,569	27	6,757	27	6,696	...	-61
Total	27	7,069	27	7,257	27	7,196	...	-61

This budget activity includes resources for the naturalization of eligible aliens in a timely, efficient and equitable manner. It includes resources for overseas enforcement activities and related liaison with foreign governments and international agencies.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	WY	Perm.	WY	Perm.	WY
	FOL.	Amount	FOL.	Amount	FOL.	Amount	FOL.	Amount
Adjudication and Naturalization.....	...	\$500	...	\$500	...	\$500	...	...

In 1995, investments are requested in the Salaries and Expenses account for the Adjudication and Naturalization program to undertake education and promotional efforts to increase interest among permanent resident aliens in applying for naturalization. Adding the total cost of this initiative to the Examinations Fee account would result in a prohibitive increase in the fee that would have to be charged to applicants, thereby discouraging permanent resident aliens from actually applying for naturalization.

Base resources for the Adjudication and Naturalization program are contained in the Immigration Examinations Fee account budget.

LONG-RANGE GOAL:

The overall goal of Adjudications program operations in the Salaries and Expenses account is to provide for and facilitate the efficient, timely and correct processing and adjudication of naturalization applications.

MAJOR OBJECTIVES:

Streamline the processing of naturalization and citizenship cases.

Encourage aliens to pursue naturalization.

Enhance interest in naturalization, increase citizenship education, and expand community outreach activities.

Manage resources in response to workload so that applicants will receive decisions of consistent quality and timeliness in all geographic jurisdictions of the Immigration and Naturalization Service.

BASE PROGRAM DESCRIPTION: The function of this program is to examine aliens to determine their qualifications for naturalization, issue citizenship documents, provide for the appearances of Service officials before naturalization courts, and conduct administrative naturalization ceremonies.

In 1995, INS is in the process of developing a cooperative agreement with a voluntary, non-profit organization to conduct a naturalization pilot project in urban and rural areas of Southern California. Through the agreement, the Service will encourage and promote naturalization through public education programs, with community-based organizations, ethnic group networks, and educational institutions assisting qualified persons in preparation of applications and in studying for civics and language tests. The Service will also use information gained in these efforts to streamline the naturalization process.

1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	YX	Amount	Perm.	YX	Amount	Perm.	YX	Amount	Perm.	YX
	Pos.			Pos.			Pos.			Pos.	
International Affairs and Outreach.....	27	25	\$6,569	27	27	\$6,757	27	27	\$6,696	...	...
											-\$61

This budget activity includes resources for the payment of specific expenses necessary for the overseas enforcement activities and liaison efforts with foreign governments in support of those activities.

LONG-RANGE GOALS: Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing.

MAJOR OBJECTIVES:

Coordinate with United States' missions abroad and represent United States immigration policy interests and concerns to foreign governments, international organizations, and private voluntary groups.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

BASE PROGRAM DESCRIPTION:

Enforcement Activities:

In coordination with the Department of State, the Coast Guard, and other components of the Department of Justice, the Office of International Affairs and Outreach has been an active participant in work with foreign governments in monitoring the movement of groups being smuggled into the U.S.

The placement of INS staff located overseas allows the Service to establish and maintain an effective long-term working relationship with host country migration authorities, consular officers, and enforcement organizations. Through this long-term relationship of mutual trust and confidence, coupled with a working knowledge of cultural, social and economic conditions in the area, officers are able to gather intelligence information and coordinate enforcement operations which have a significant positive impact on INS domestic operations.

INS Overseas personnel, through coordination with domestic INS offices, Border Patrol Sectors, other U.S. Government agencies, host country governments, airline officials, and other non-government entities, will pursue a proactive international enforcement strategy in identifying, investigating, deterring, disrupting and reducing illegal activities at their source, and at key overseas transit locations used by smugglers and mafia hide aliens bound for the United States.

Smuggling cartels are capable of moving thousands of people per month worldwide. Fraudulent travel documents such as passports and visas are obtained to facilitate boarding on commercial flights. Smugglers arrange for aliens to travel on circuitous routes to evade detection. Thailand, Hong Kong, Singapore, Holland, Bolivia, Belize, Mexico and the Dominican Republic are major transit countries. Smuggling syndicates have recently established a major presence in Moscow to facilitate the smuggling of Chinese (and other nationalities) through the former Soviet Union and Eastern Europe. The liberalization of the governments in Eastern Europe and their desire to build a tourism industry has fueled alien smuggling as the smugglers take advantage of the new freedoms.

The tremendous profit potential of alien smuggling provides an often irresistible temptation that can corrupt local officials in both origin and transit countries. In some cases, the bribes used to facilitate alien smuggling rival the amounts collected to permit the flow of narcotics.

Interruption of these alien smuggling activities through proactive investigations, liaison efforts, international task forces, and extrajudicial prosecutions targeting the smuggling organizations and support infrastructure, at the source, or at points along the route, results in a resource saving in domestic inspections, investigative, detention, legal, deportation and related support costs.

Placement of overseas enforcement personnel will be within the organizational control of INS's three overseas District offices. Intelligence specialists and investigators will join with existing overseas staff to provide this additional enforcement capability.

Program changes:	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	WX Amount	Perm. Pos.	WX Amount	Perm. Pos.	WX Amount
International Affairs and Outreach.....	27	\$6,757	27	\$6,696	...	-\$61

A reduction of \$61,000 is proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

Activity: Immigration Support

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Training.....	75	\$8,437	75	\$8,698	75	74	\$8,610	...
Data and Communications....	180	55,262	180	56,171	180	173	65,572	...
Information and Records Management	756	719	746	47,700	815	789	68,734	69
Construction and Engineering.....	13	12	13	9,308	13	13	9,366	...
Legal Proceedings....	439	367	439	34,587	586	462	44,149	147
Total.....	1,463	1,334	1,453	152,084	1,669	1,511	196,431	216

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Training.....	75	\$8,437	75	\$8,698	75	74	\$8,610	...

LONG-RANGE GOAL: To establish and maintain an employee development system that meets the needs of managers, officers, and other employees as they progress in their careers, complies with regulatory requirements, and promotes a professional workforce.

MAJOR OBJECTIVES:

Provide basic training for all new officers and advanced and technical training for Journeyman officers, and periodically update curricula for the basic and advanced training programs.

Provide a mandatory training program for INS supervisors, managers, management officials and executives, and provide progressive technical and specialized training for professional, technical, and clerical personnel who support agency operations.

BASE PROGRAM DESCRIPTION: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of the INS workforce. Training requirements are identified annually and are revised as needed due to new regulations, legislation or organizational needs. The program is accomplished in a variety of ways: through residential training at the Federal Law Enforcement Training Center (FLETC) at Glynnco, Georgia (basic officer training) and at Artesia, New Mexico (Journeyman officer training) through programs conducted by other Federal agencies, by private contractors, or in combined presentations using service and non-service resources.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Training program are presented in the following table:

Item	1993	1994 5/	Estimate	
			1993	1994
Workload Production/				
Training Start:1/				
Border Patrol Basic.....	102	500	800	1,000
Immigration Officer Basic.....	815	672	624	1,000
Detention Officer Basic.....	120	120	144	120
Other than Permanent Basic.....	335	240	192	48
Completions:2/				
Border Patrol Basic.....	467	350	704	880
Immigration Officer Basic.....	624	591	568	910
Detention Officer Basic.....	164	106	138	106
Other than Permanent Basic.....	295	211	173	42
Journeyman Officer Training.....	752	984	672	984
Advanced Program.....	1,008	720	624	720
Leadership Program.....	200	1,100	1,100	1,100
Information Officers.....	120	72	216	72
Docket Clerks.....	48	48	96	48
In-Service 3/.....	5,800	20,000	20,000	20,000
Other Training 4/.....	6,600	7,000	7,000	7,000

1/ Resources to support basic training will be provided by the benefiting decision unit.

2/ Reflects current attrition rates.

3/ In-Service figures represent the total of individual training occurrences that will vary from 1-hour training sessions to several days. Fiscal year 1993 figures represent Pursuit Driving Training exported training provided to border patrol agents under the In-Service concept. Fiscal years 1994 and 1995 estimates are based upon anticipated funding levels. The In-Service concept will not be introduced until resources are appropriated.

4/ Other training includes training conducted by other offices, with or without Training Division assistance; professional, technical, and clerical training provided through other government or non-government sources; and training efforts such as the IMMACT 90 courses provided to more than 2,700 employees in 1992.

5/ These estimates support the program increases in the 1994 appropriation.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY	Perm.	NY	Perm.	NY
Training.....	75	75	\$8,698	75	\$8,610	-1
Reductions of one workyear and \$88,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.						

1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
Perm.	Anticipated	Perm.	Amount	Perm.	Amount	Perm.	Amount
Pos.	MY	Pos.	MY	Pos.	MY	Pos.	MY
Data and Communica-							
tions.....	180 165	\$55,262	180 175	\$56,171	180 173	\$65,572	... -2 \$9,401

LONG-RANGE GOAL: To improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of informational systems; resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's information needs; provide radio and electronic equipment and systems to support INS's law enforcement functions; promote the electronic sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS; and provide technological guidance in support of all INS operations.

MAJOR OBJECTIVES:

Improve the quality, reliability, interoperability, maintenance, and accessibility of existing information systems.

Install, operate and maintain INS's major mission and management oriented systems throughout the Service.

Ensure the cost effectiveness of new systems through the use of contemporary techniques for quantifying and justifying ADP systems and databases.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis and electronic mail.

Provide a consistent and integrated technology infrastructure to all INS field offices.

Provide automated intrusion detection capabilities at Border Patrol sectors consisting of a variety of sensor and imaging equipment with centralized monitoring at the sector for dispatch and reporting purposes.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities.

Improve the capability of INS to detect and apprehend illegal entrants and drug smugglers into the United States and provide technological guidance in support of all INS operations.

Research, develop, evaluate and apply surveillance, identification, advanced/satellite communications, security/safety technologies and systems to more effectively support the operating programs in detecting illegal alien and related drug intrusions on the border, as well as the interior of the United States with emphasis on effectiveness, reliability, and efficiency.

Provide scientific and technological coordination and support to the Office of National Drug Control Policy. Provide liaison with Federal, industrial, and university research and development communities to stimulate, utilize, and integrate technical work relevant to high priority interests of INS.

Base Program Description: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: 1) improving the effectiveness and efficiency of Service functions through the use of computer resources for information processing; 2) providing for the operation of data and communications networks; 3) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems; and 4) researching problems of the Service to develop new or adopt existing technologies for their potential effectiveness within INS.

ACCOMPLISHMENTS AND WORKLOAD: The Data and Communications program workload is best expressed in narrative form. Accomplishments include the following:

Information Technology Partnership (ITP) Contract Awarded. The Office of Information Resources Management (OIRM) awarded a major ITP technical support services contract which will allow for the development and deployment of critical law enforcement, benefits and financial management systems as well as the servicewide deployment of a basic office automation infrastructure.

IRM Strategic and Tactical Planning. IRM Strategic and Tactical Planning operation has become a key business process reengineering initiative for the Service in FY 1995. The operation is being redesigned in a partnering arrangement with its internal and Departmental oversight customers. The focus of the reengineering effort is the development of a process that will produce strategic and tactical planning products that will guide the allocation of resources according to the Service's strategic business profile. Significant accomplishments in FY 1995 include the integration of the IRM planning and budget cycles and the development of life-cycle funding profiles for each major IRM automation initiative.

In addition, activities are underway to complete an update of the IRM Strategic Plan and produce an executive-level guide of the plan for external distribution; create IRM policy and standards development guidelines; complete a policy and standards baseline study; and, create an IRM policy and standards technical library. Key to these activities is also the development of a central repository of IRM policy and planning data from which to track and evaluate responses to requests for IRM planning information may be produced. Plans into FY 1996 include completing the development of the centralized policy and planning data repository; further refining the Service's Information Systems Architecture (ISA) documentation; and, fully implementing a Systems Planning Portfolio Manager's Program to promote the proactive analysis of INS operational workloads and ensure that planned automation initiatives are in direct support of the Service's strategic goals and direction.

Computer and Telecommunications Security (CITS) Program. The Computer and Telecommunications Security (CITS) program was formally established in FY 1994 with the designation of a full-time Computer Security Program Manager and an operational budget to cost-effectively implement a security operating baseline that will protect from waste, fraud, and abuse and ensure the integrity, availability and confidentiality of INS automation resources and data. During FY 1994, Computer System Security Officers (CSSO) were identified and trained in computer and telecommunications security fundamentals. Security guidance documents were developed on such subjects as: sensitive system identification, sensitive system security planning, and ADP contingency planning.

Risk analyses were completed for 10 mainframe applications, and ADP position sensitivity levels were determined for all IRM ADP contract support personnel. Other notable achievements included: the testing of INS' mainframe contingency plan for operations at the Justice-Data Center in Dallas (JDC-D); the development of INS' mainframe distribution of a computer security awareness training toolkit; and, the training of over 120 personnel in risk analysis, contingency planning and local area network security practices and principles. In FY 1995, INS will continue developing its computer security program through continued activities in policy and procedural guidance development and providing computer security training with an emphasis on setting up effective field programs.

The Service also plans to: complete the mainframe risk analyses and move on to certifying its mainframe operations in Dallas; complete security assessments for INS District Offices overseas; develop mainframe and network audit strategy documents; and, develop materials to launch a computer anti-fraud and abuse campaign. During FY 1996, the CITS Program will focus on providing CSOs with more advanced tools to support their computer security management function. INS plans to complete the development, deployment and training of CSOs in a computer security accreditation management tool.

Office Automation Infrastructure. In pursuit of a comprehensive office automation infrastructure, the Service identified a standard office automation platform and awarded the agency's largest acquisition to support its deployment Servicewide. The goal of this initiative is to provide the INS workforce with the basic office automation capabilities to effectively and efficiently communicate initiatives, share data, and produce professional products that support customers' needs. In FY 1995, a site implementation list was developed and site surveys began on the Southwest border and at key high-volume locations throughout the country. The Service expects that by the end of FY 1995, it will have completed infrastructure installation at 103 sites (17 percent of INS' sites), providing service to 45 percent of the agency's workforce. In FY 1996, the infrastructure will be installed and/or initiated at 205 sites (33 percent of INS sites), thus bringing this service to a total of 88 percent of the INS workforce.

Control Admissions at Ports of Entry. The Interagency Border Inspection System (IBIS) and the INS Passenger Accelerated Services System (INSPASS) are designed to enhance INS' inspection function. IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspections and to identify criminals. IBIS is currently installed at major air and land border ports. Plans include installing replacement equipment at several large IBIS sites which were installed during the early years of the program, expand IBIS to additional ports, and test a new system-imaging capability. INSPASS is a proof-of-concept automated inspection for low risk, frequent travelers using automated inspection kiosks. The INSPASS prototype has been installed at all five international terminals of JFK International Airport in New York, Newark International Airport, and the Pearson International Airport in Toronto, Canada. INS will continue development and enhancement work on INSPASS in concert with an expansion of the pilot to five sites in FY 1995 and 11 more sites in FY 1996.

Biometrics Identification Systems. IDENT is INS' fingerprint-based identification subsystem that will be used by INS law enforcement and benefits systems to assist in the positive identification of persons who are arrested as well as those who apply for benefits, including the identification of travelers referred to secondary processing and for automated inspection. IDENT will serve as the front end to a central INS fingerprint repository. The system currently being prototyped in the San Diego Border Patrol Sector has measured recidivism for the 30-day period (ending 1/16/95) at 33 percent. During FY 1996 INS will begin Servicewide implementation of IDENT, establishing the central site and approximately 234 remote sites, each outfitted with Automated Booking Stations (ABS).

Enforcement Case Tracking System (ENFORCE). INS is prototyping the Enforcement Case Tracking System (ENFORCE), an incident-based case management system that provides automated tools to capture and manipulate data and images. ENFORCE replaces the paper-based, forms-oriented processes currently in use in the Border Patrol, Detention and Deportation, Intelligence and Investigations programs. The ENFORCE Phase I prototype has been piloted in two of the largest Border Patrol Sectors and additional sites are being configured for pilot implementation as well. Preliminary results from the pilot show paperwork processing time for administrative cases has been reduced from 2.8 hours to 20-30 minutes and the processing of a felony smuggling case has been reduced by 33 percent. This reduction in paperwork time is resulting in an increase in the number of agent hours spent performing front line enforcement activities. This initiative is in direct support of INS' Southwest Border Strategy and the criminal alien Institutional Hearing Program. During FY 1995 INS will deploy the ENFORCE Phase I in four additional sites along the Southwest border, prototype the Central Repository database and evaluate its functionality. During FY 1996, INS will finalize development of ENFORCE including numerous interfaces to inter-INS and external databases and will continue to install ENFORCE in field offices.

Electronic Support for Border Control. The Service has three major automation projects with respect to electronic support for border control. These projects are: the Encrypted Voice Radio Program (EVRP); the Computer Assisted Detection and Reporting Enhancement/Intelligent Computer Assisted Detection (CADRE/ICAD) Program; and, the Night Vision Equipment Program. Initiatives under the EVRP include acquiring 1,000 mobile and 1,800 portable radios for improved secure voice communications and agent safety in the field. Equipment has already been acquired for the Jareado and Del Rio Border Patrol Sectors and procurement activities have been initiated for the remaining Southwest border locations. The CADRE/ICAD Program is an automated remote sensor system that accepts input from in-ground sensor devices along the Nation's unmanned borders and facilitates border intrusion detection and the dispatching agents. The single-user versions of CADRE have been installed in the Swanton, Holton, Marfa, and San Diego Sectors, and the new multi-user version has been installed in the San Diego Sector and tested at Swanton, VT. The deployment and maintenance of night vision equipment has provided agents in the field with an additional safety factor and has enhanced their ability to perform their jobs.

Alien Verification System. The Verification Information Systems (VIS) initiative will support the confirmation of an alien's immigration status, the alien's eligibility for certain entitlement benefits, and authorization to work. During FY 1995, the Service established a joint INS and Social Security Administration Working Group to explore alternatives for establishing a national registry for alien status verification and has pursued development of functional requirements for a secure, state-of-the-art, fraud-resistant Employee Authorization Document (EAD). INS plans to have its centralized EAD production capability at the full-capacity level in 1996. The Service is also working with the Department of State to conduct a Visa pilot program.

Corporate Databases. The INS is completing plans for the enhancement of INS corporate data assets by re-engineering existing data repository systems to streamline access to alien information. This initiative will ensure that data collected is correct and will follow the same naming and attribute standards across all systems requiring use of the data. An interface refinement for existing INS index systems has been completed. INS plans to develop and deploy a Common User Interface that provides a front end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. Plans are also underway to test the kiosk concept for forms distribution.

Financial and Administrative Systems. The INS Financial and Administrative Management Systems Initiative includes the development, implementation, and maintenance of financial and administrative applications providing

decision support information on INS workload, manpower and financial resources. The Service received approval to pursue this initiative in June 1994. Since that time, INS has improved its financial and administrative services systems by implementing an acquisitions management system to streamline the procurement process; developed an ADP equipment inventory system to maintain property accountability and facilitate the acquisition of cost-effective maintenance services; completed development of a debt-collection module in pursuit of establishing a comprehensive debt management system; initiated development of a personnel-action tracking system to reduce the paper-intensive and manual nature of personnel actions; and modernized the vehicle fleet record-keeping system to streamline maintenance and accounting activities. During FY 1995 INS will continue reviewing current systems, complete a requirements analysis, and select a vendor to install, operate and maintain the core financial and administrative system. During FY 1996, the Service will implement the core system, commence data conversion efforts, create interfaces, and continue system configuration efforts.

INS International Network Communications (INSINC). INSINC is the Service's data communications network that provides telecommunications services to INS operational facilities worldwide. There is an ongoing effort to upgrade facilities and prepare for the implementation of new technologies and protocols as necessary to support ADP requirements. In FY 1994, INS began establishing an initial operating capability at INS Headquarters, Regional Offices, the four Service Centers and several field offices for the internetworking of their Local Area Networks using router technology. This direction is based on requirements of new distributed systems using client-server and imaging technologies to transport large amounts of data among INS offices. INSINC contingency plans were also developed and talks continue with U.S. Sprint for improved incident detection and very response time.

During FY 1995, INS will complete its migration from the BSC protocol and, where appropriate, continue to transition existing sites to Switched Digital Integrated Service (SDIS) and upgrade the data communications staff's INSINC network access and diagnostic capabilities. During FY 1996, the Service will continue its migration to router and other communications technologies as the new infrastructure is deployed. The expansion of the foreign office network will continue at a rate of seven offices per year. As a follow-on to the successful FY 1994 pilot test of video teleconferencing technology for conducting deportation hearings, the Service will pursue a contract to provide video integration services for the future expansion of this and other anticipated video teleconferencing initiatives. It is also expected that the application of video technology for deportation hearings will continue and be expanded to other operational areas such as the examinations and asylum operations.

PROGRAM CHANGES:

	1995 Base		1995 Estimate		Increases/Decreases				
	Perm. FOA.	NY Amount	Perm. FOA.	NY Amount	FOA.	NY Amount			
Data and Communications..	180	175	\$56,171	180	173	\$65,572	...	-2	\$9,401

The funds provided in the Violent Crime Reduction Trust Fund for FY 1995 to FY 1997 will enable "day-forward" status information to be error free, electronically updated, and immediately available for compliance verification. The funding requested in this initiative will provide accurate and quick access to INS historical status information, as well. It includes the development of a data base comprised of elements necessary to assist with determination of compliance (These elements will be extracted from records scattered among several data bases and paper files. Historical records with errors will be corrected by status verifiers on demand.)

the introduction of artificial intelligence, profiling and other analytic techniques to allow the system to act "smart" and be a source of useful information for targeting compliance schemes; the provision of additional explanatory text to assist authorized parties in complying with immigration-related status and regulations; the prevention of misuse of the service with the implementation of a central facility security features by type of subscriber; the initiation of work toward the establishment of a central facility consolidating INS physical paper files to provide status verifiers with quick access to correct the electronic records; the implementation of a limited pilot program for INS to issue the Social Security Number as part of granting the employment authorization. This will enable INS to collect data and establish the necessary links to other data bases and provide the alien with better services.

Reductions of two workyears and \$179,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease			
	Perm.	Est.	Perm.	Est.	Perm.	Est.	Perm.	Est.		
Information & Records Management.....	756	719	\$45,924	746	765	\$47,700	815	\$68,734	69	\$21,034

LONG-RANGE GOALS: To provide complete and accurate information in a timely and professional manner to the services, other Federal, state and local government agencies, and to the public on immigration procedures, policies, plans, activities, status, benefits and eligibility, including provisions of the Immigration and Nationality Act; conduct and administer Servicewide Information services and records programs designed to provide support to INS's operating components and other United States law enforcement agencies, as well as state and local governments seeking information on aliens. To ensure the reliability and integrity of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integrity. Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform and effective correspondence throughout INS. Administer a program of employer education with regard to their responsibilities under the employer sanctions and anti-discrimination provisions of employer sanctions and anti-discrimination provisions of the law.

MAJOR OBJECTIVES:
 Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA). Develop an automated FOIA/PA case management system to reduce processing time by at least 25% for improving customer service.

Ensure Servicewide compliance with the Paperwork Reduction Act of 1980 as amended.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.

Respond to live assistance telephone inquiries from the public through the telephone service centers, telephonic forms requests from the public through forms distribution centers, and written inquiries.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from INS operating components, other Federal Government agencies, State and local governments, law enforcement agencies, and the public.

Provide analytical and technical expertise on manual and electronic record collection, capture, storage, maintenance, processing and retrieval.

Work with the Data and Communications Systems program to improve the control, accountability and availability of INS's manual and automated records through improved systems and procedures, and provide training, and technical and operational assistance in the maintenance and use of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Provided information to employer's regarding compliance with employer sanctions provisions of the law.

Ensure the accurate, timely, effective and efficient issuance, dissemination and distribution of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement systems and ensure timeliness, accuracy, quality and completeness of all INS workload data.

Develop, analyze, and publish timely, high-quality immigrant and nonimmigrant statistics in annual statistical yearbooks, special bulletins, and reports for policy making at agency and national levels.

Establish and maintain liaison with Federal and State agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Ensure that the latest technologies are used in maintaining record keeping systems to be responsive to law enforcement officials who detect, arrest, combat fraud, and remove criminal aliens as soon as possible.

Improve the Systematic Alien Verification of Entitlements (SAVE) Program to allow the Service to fully support the needs specified in agreements between the SAVE program and Federal, State and local agencies.

Maintain liaison with agencies using the SAVE program and increase State, local and other Federal agency participation in the program.

BASE PROGRAM DESCRIPTION: The functions of this program are to (1) provide responses to inquiries from the public and private sectors; local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien record and files from which data may be readily obtained to respond to requests from both inside and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations and work accomplishments; (5) provide for the coordination,

development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and Service delivery.

ACCOMPLISHMENT AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
Information Services				
Inquiries--				
Correspondence:				
On-Hand, EOY.....	17,872	35,457	23,937	23,937
New Receipts.....	311,005	336,000	369,600	369,600
Completions.....	293,420	347,520	384,960	384,960
On-Hand, EOY.....	35,457	23,937	8,577	8,577
Telephone:				
Immigration Information				
Telephone System.....	4,408,215	4,660,200	4,848,200	4,848,200
Immigration Telephone				
(Other).....	192,168	173,000	155,500	155,500
INS "800" Telephone System				
.....	485,747	509,700	764,200	764,200
In Person:				
Applications Processed...	993,548	995,000	1,044,000	1,044,000
Records Services--				
Forms Center Operations				
Public Form Requests...	409,011	432,000	840,000	1,008,000
Completions: Files Created	654,112	669,604	644,000	644,000
Records Verification...	505,121	596,091	535,400	535,400
Files Transfer & Request				
from Others/FRC's.....	989,761	956,217	895,000	895,000
Files Connection.....	1,500,301	1,399,162	1,059,000	1,059,000
Refiles.....	2,001,601	1,537,258	1,465,000	1,465,000
Mail Processing.....	5,655,701	5,525,496	6,000,000	6,000,000
FOIA/PA Requests:				
On-Hand EOY.....	11,435	6,050	4,711	7,711
New Requests.....	41,040	55,885	60,667	64,000
Completions.....	46,425	57,224	57,667	64,333
On-Hand, EOY.....	6,050	4,711	7,711	7,378
SAVE Activity:				
Participating State Agencies	125	126	133	140
Queries on SAVE Database	3,623,196	3,933,395	4,500,000	5,000,000
Participating Employers	9	9	200	1,000
Employer Inquiries.....	2,668	2,697	55,200	276,000
Ineligible Aliens				
Identified.....	...	34,502	37,000	40,000

Statistics:			
Performance Analysis System	68,900	70,423	85,500
Reports Processed	5,100	8,640	8,000
Inquiries			
Employer's Sanctions:			
Information &			
Employer Contacts.....	39,199 1/	52,198	1,500
1/ Reflects work performed by the Employer and Labor Relations program.			2,000

During 1994 FOIA/PA case backlogs were reduced by 17 percent (approximately 10,000 cases). The Alien Files Accountability and Control System (AFACS) has been installed at 50 sites. By the end of 1994, the population of alien files under control of AFACS was expanded to approximately 95 percent of all active alien files. The functionality of AFACS has been enhanced to include tracking and processing of receipt files through the Receipt Alien File Accountability and Control System (RAFACS). This system was developed to improve the availability and accountability of the Alien Files and Receipt Files in INS File Control Offices.

The automated telephonic inquiry enhancement to the RAFACS, the Telephone Inquiry Enhancement Reporting System was installed at the four Service Centers. This system enables callers to obtain information on case status and additional applications and petitions.

A text information management system titled "Immigration and Naturalization Service Easy Research and Transmittal System (INSERIS)" was developed in 1993 using Compact Disk (CD) Read Only Memory (ROM) technology. This application contains up-to-date information on the Service Law Books and Administrative Manuals (policies, instructions, regulations, statutes, Public Use Forms, Office of General Counsel Opinions, agency operational handbooks to include the Law of Arrest Search and Seizure, Records Operations, PC-RAFACS User manual, and Immigration Act of 1950 WIRIS). During October 1994 the application was distributed to 230 offices headquarters and field offices. In February 1995 the first update was issued to over 300 offices Service-wide. To ensure the continued currency of the information contained in the application, two updates will be issued throughout FY 1995.

This application is serving as a valuable research tool for Service officers in the conduct of their official business. It provides immediate improvements in the means of disseminating critical information to all who have a need to know and reduces the reliance, productive time and other resources spent on printing, distribution and maintenance of Service Policy and procedural manuals and handbooks.

The Telephone Verification System (TVS) pilot project (Phase I) began in April 1992 and was successfully completed in March 1993 with nine employees voluntarily participating in verifying the status of newly hired alien employees. A second phase of the pilot, which would expand access to 200 additional employers, is currently under consideration. The long range goal of the TVS project is to have employers pay for subscription of the service. Authority to conduct pilot verification projects, conferred by Executive Order 12781 of November 20, 1991, ends on March 29, 1995. INS recently received the authority to extend the TVS project for an additional two years.

Reductions of 11 workyears and \$486,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

BASE PROGRAM DESCRIPTION: The functions of this program include the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the

Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, by INS construction and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, State, county, local and foreign authorities.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Construction and Engineering program are presented in the following table:

Item	1993		1994		Estimate 1995	
	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate
Major New Construction Projects.....	23	30	27	30	34	34
Verify GSA Billings.....	460	460	460	460	450	450
Building Evaluations.....	18	25	18	25	25	25
Design Support Projects..	31	32	31	32	32	32
SF-81/144 (Request for Space) sent to DOJ for processing (Servicewide)/	50	68	50	68	65	65

2/ These workload statistics reflect the number of actions processed. The documents included in this item are initiated for increases in space, decreases in space, relocation of offices, revisions to existing space, consolidation of operations, and GSA-mandated moves.

PROGRAM CHANGES:

Construction and Engineering.....	1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate
	FOA.	MY	FOA.	MY	FOA.	MY
	13	13	13	13	...	...
		\$9,381		\$9,366		-\$15

A reduction of \$15,000 is proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

1995 Appropriation Anticipated

Legal Proceedings...	1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate
	FOA.	MY	FOA.	MY	FOA.	MY
	439	367	439	393	586	462
		\$33,153		\$34,587		\$44,149
						147
						69
						\$9,562

LONG-RANGE GOAL: To provide legal representation for the U.S. Government in all cases and matters arising before Immigration Judges, the Board of Immigration Appeals, Administrative Law Judges, and the Office of the

Chief Administrative Hearing Officer; to represent INS in all other contested administrative hearings in which the agency is involved; to provide legal advice and support to INS operating personnel; to represent INS in cases tried in federal courts; and to consult, train, and provide legal support for interagency efforts in combating the threat posed by alien criminals.

MAJOR OBJECTIVES: To represent the Service before administrative bodies and federal courts in deportation, exclusion, rescission, and bond issues, as well as in employer sanctions and civil document fraud matters.

To provide litigation and consultation support to interagency task force operations to effect the expeditious deportation of criminal aliens.

To provide litigation assistance in Federal and local drug and organized crime task forces.

To provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation from the United States.

To provide training for Service personnel in immigration law and procedure.

To furnish legal counsel and training in immigration law for enforcement officers of state, local, and other Federal agencies for identification and expeditious processing of alien drug traffickers and criminals.

BASE PROGRAM DESCRIPTION: INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The Legal Proceedings Program provides litigation support in agency litigation conducted in U.S. District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Commissioner, Regional Administrators, District Directors, and Border Patrol Sector Chiefs on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993	1994	1995	Estimate 1996
Non-Functions Workload:				
Trial Attorney Appearances	138,231	160,782	160,800	185,000
Cases Prepared.....	209,648	213,686	213,700	245,800
Preparation of Legal Briefs				
and Memoranda.....	29,274	28,011	28,000	32,200
Legal Consultations.....	123,491	109,849	109,900	126,400
Sanctions Workload:				
Notices of Intent to Fine:				
Received.....	1,967	1,631	1,630	2,170
Completed.....	1,950	1,652	1,650	2,190
Consultations and Legal				
Advice Completed.....	17,160	12,267	12,270	16,320
Legal Opinions and Memoranda	5,018	3,940	3,940	5,240
Training Completed.....	592	206	210	280

Administrative Law Judge				
(ALJ) Cases:				
Received.....	348	300	300	400
Completed.....	373	413	415	550
ALJ Appearances Completed...	191	171	170	230
Other ALJ Matters Completed	2,010	1,501	1,500	2,000
Civil Document Fraud:				
Notices of Intent to Fine:				
Received.....	139	251	250	330
Completed.....	108	183	190	250
Consultations and Legal				
Advice Completed.....	884	1,439	1,440	1,920
Legal Opinions and Memoranda	181	352	350	470
Training Completed.....	148	60	60	80
ALJ Cases:				
Received.....	38	190	190	250
Completed.....	19	94	95	130
ALJ Appearances Completed...	4	16	20	30
Other ALJ Matters Completed.	42	293	390	65

Other accomplishments include the following:

Employer Sanctions Program: Success of the mock hearing program continues to ensure the high quality of the cases being litigated. As a result, INS has received favorable decisions in the vast majority of employer sanctions cases tried to date before Administrative Law Judges. The careful handling of these cases at the administrative hearing level and the resulting favorable decisions have been crucial to the development of employer sanctions law.

Maintenance of the Index of Case Decisions on Employer Sanctions and the Digest of Case Decisions on Employer Sanctions. These reference tools continue to be effective tools in researching particular points of law in sanctions cases. In addition, all employer sanctions regulations issued to date have been compiled and distributed to the field as a part of the Employer Sanctions Legal Reference Series.

Continuation of the Employer Sanctions Legal Advisory Committee (ESLAC). Created during the early stages of employer sanctions, the committee continues to be a valuable tool in resolving complex legal issues as well as providing field offices with input on major employer sanctions legal matters. Agendas and minutes of all ESLAC meetings continue to be compiled and distributed to the field as a part of the employer sanctions legal reference series.

Provide training at the Federal Law Enforcement Training Center (FLETC). Experienced sanctions attorneys conduct training in employer sanctions for Special Agents, Inspectors, and Border Patrol Agents at the FLETC facilities in Glynnco, Georgia, and Artesia, New Mexico.

Examinations Program: This program issues formal legal opinions and provides legal assistance to all Service attorneys and program managers on such immigration issues as immigrant and nonimmigrant visas, petitions,

legalization, naturalization, the Visa Waiver Pilot Program, carrier consultation, custody of unaccompanied alien minors, the immigration consequences of NAFTA, Temporary Protected Status, and others. This program also reviews legislative proposals, drafts bill reports, and drafts and revises regulations.

Refugees and Asylum Law Program: The services performed by the Refugee and Asylum Law Program include:

Direction and supervision of the Asylum Pre-Screening (APSO) program. This program provides humanitarian parole from detention for persons who are in exclusion or deportation proceedings, but who appear to be genuine asylum seekers, while simultaneously freeing scarce detention space for cases in which detention is more appropriate. The success of this program has led to its use as a model for certain features of various asylum reform bills now pending before the Congress.

Provision of formal legal opinions or other legal advice to Service components on issues arising in connection with the Service's asylum and refugee programs.

Drafting and reviewing regulations, legislative proposals, and management initiatives concerning asylum and refugee processing.

Participating in the training of Asylum Officers and Refugee Officers.

Enforcement Program: The Legal Proceedings program continues to emphasize litigation strategies and removal of criminal aliens. Particular emphasis is given to cases involving aliens convicted of aggravated felonies and aliens involved in terrorist activities. Expedited exclusion and deportation of these aliens requires more intensive legal review because of the complexity and number of potential exclusion and deportation charges.

INS attorneys are stationed in all district offices to coordinate and help assure the effectiveness of the criminal alien program. An essential element in that effort is the Institutional Hearing Program (IHP). In coordination with the Investigations and Detention and Deportation programs and the Executive Office for Immigration Review, as well as Federal and State correctional authorities, the Service currently has 75 IHP's in operation in seven Federal, two county, and 66 State correctional facilities. Convicted criminal aliens receive their immigration hearings while incarcerated for the criminal violation, thereby permitting their immediate removal upon release.

The Legal Proceedings program supports litigation in Federal courts relating to criminal aliens. This includes assistance to U.S. Attorneys in prosecutions relating to criminal immigration violations and litigation support in responding to petitions filed by incarcerated aliens. INS attorneys continue to encourage criminal prosecutors to make "stipulated deportation" a part of criminal plea agreements.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos. NY Amount	Perm.	Pos. NY Amount	Perm.	NY Amount
Legal Proceedings.....	439	393 \$34,587	586	462 \$44,149	147	69 \$9,562

Work Site Enforcement and Verification

Pursuant to INS' goal of strengthening interior deterrence, the Investigations program is requesting an investment of 454 positions. Of these, 348 positions will be directed to implement improved employer sanctions strategies aimed at substantially reducing employment opportunities for unauthorized workers, and 106 positions to target fraudulent document vendors and facilities.

For the Legal Proceedings program the Service is requesting 53 positions (40 attorneys and 13 support personnel), 27 workyears, and \$3,600,000 to provide the additional legal staff needed to handle the litigation workload that will result from the increases in the Investigations program and the related increases in deportations.

All of the requested legal staff will be assigned to district offices. The attorneys will closely review the cases initiated by the Investigations program to ensure their legal sufficiency prior to the issuance of Notices of Intent to Fine (NIFs). About one-third of the cases will result in the filing of complaints with the Office of the Chief Administrative Hearing Officer (OCAHO). At that point, the attorneys will engage in pre-trial discovery, such as taking depositions and filing interrogatories and motions. The attorneys will then prepare for trial, engage in settlement negotiations, litigate the cases before administrative law judges, and handle the appeals.

Detention and Removal

This budget request includes 171 positions for the Investigations program to implement the Institutional Hearing Program (IHP) in the five largest states and the Federal prison system and to expand the program to Arizona and New Jersey. Investigative personnel will be assigned to the prison intake facilities to identify criminal aliens and to file charging documents with the Executive Office for Immigration Review (EOIR) to facilitate prompt removal of the aliens upon expiration of their sentences. To keep pace with this increase, the Legal Proceedings program requires 50 positions (36 attorneys and 14 support personnel), 25 workyears, and \$3,400,000 to assist the Investigations and Detention and Deportation programs' efforts to expedite the removal of criminal aliens in the IHP.

INS attorneys are responsible for reviewing charging documents for legal sufficiency and for representing the Service before Immigration Judges at numerous state and federal penal institutions. They also provide on-site legal advice to Investigations and Detention and Deportation personnel. The attorney's support staff assist in obtaining and preparing files for deportation, exclusion, bond, and rescission hearings and in processing files upon conclusion of hearings before Immigration Judges.

The budget request includes 720 positions, 360 workyears, and \$93,100,000 for the Detention and Deportation program to expedite the removal of criminal aliens and other deportable aliens under five sub-initiatives, including: abscondee removal teams; non-Service detention; administrative deportation of non-permanent resident aggravated felons; warrants of deportation in NCIC; and, the national detention and removal network. To process the workload which will result from this increase, the Legal Proceedings program will require 44 positions (33 attorneys and 11 support personnel), 22 workyears, and \$3,000,000.

Reductions of 5 workyears and \$437,000 are proposed to absorb costs associated with the 1996 pay rates. These reductions are discussed in the Justification of Multi-Activity Program Changes.

Activity: Program Direction

1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease					
Anticipated						Perm.					
Perm.	Amount	Perm.	Amount	Perm.	Amount	FOBL	Amount				
986	982	\$101,426	958	1,072	\$100,583	994	1,075	\$110,940	36	3	\$10,357

Management and

Administration....

This activity provides for the overall administration and management of the Service.

LONG-RANGE GOALS: To formulate and coordinate meaningful and consistent management policies and direction throughout all levels of the Service; to provide management direction to field units that implement major policy and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

MAJOR OBJECTIVES: Provide for continuity, and control of the overall management and administration of INS.

Direct implementation of Servicewide policy and ensure its effective and uniform application.

Provide management direction to field units on implementation of INS policy and initiatives.

Improve agency responsiveness through continued enhancement of management systems including:

Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources;

Continuing to emphasize and institutionalize INS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation.

Provide program direction for the personnel, equal opportunity, budget, accounting, property management, and support services.

Provide vehicle support services.

Provide for the full range of security, safety and health support activities.

BASE PROGRAM DESCRIPTION: The functions of this program are: (1) To provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs; (2) To execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of

Immigration programs and the management of resources; and (3) To provide for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Included in this program are duties related to providing executive direction and control of the Service; furnishing accurate and prompt responses to Congressional and public inquiries; administering and maintaining effective budgeting and financial management systems; performing audits; conducting internal investigations; providing informational responses to frequent inquiries of GAO, OIG, OMB and Departmental offices; and developing and evaluating policies and systems to improve the effectiveness of service programs. The major administrative functions within the program include: personnel, budget, accounting, equal employment opportunity, procurement, property management, fleet management, security and health, and other miscellaneous general services that support all programs.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Management and Administration program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
Personnel:				
Personnel Actions.....	90,000	57,728	80,000	45,000
Payroll Actions.....	..	55,000	65,000	75,000
Number of Persons Hired..	2,000	2,590	2,500	3,500
Position Classification				
Requests.....	3,076	1,880	2,080	2,080
Position Review Request..	14,874	59,257	60,000	65,000
Formal Grievances.....	296	234	250	250
Adverse and Disciplinary				
Actions.....	810	637	700	750
Unfair Labor Practice Charge	270	193	150	100
Finances 1/1				
Collection Invoices/Bills				
Generated.....	45,000	45,500	45,000	45,000
Vouchers Paid.....	264,000	267,000	270,000	270,000
Accounting Transactions..	986,000	996,000	1,003,000	1,003,000
Equal Employment Opportunity				
Officer				
EEO Evaluation and Assist				
Regional Offices, Districts,				
Sectors and Service Centers				
on-site evaluations....	1,320	2,684	3,845	7,600
Training-supervisors				
Employees and Collateral				
Duty employees.....	2,450	4,100	11,100	15,210
Number of Complaints filed	191	194	243	310
Research and Data Collection	4,202	4,268	5,346	6,820

Property Management I/I: Property Action Documents..	597,000	597,000	895,000	975,000
Non-Expendable Property (Volume of Property in Inventory).....	243,000	243,000	267,000	291,000
Small Purchase Actions (under \$2,500).....	1,200	1,300	1,500	1,500
Contracting and Procurement I/I:				
Initial Contract Actions (Over \$25,000).....	48	59	49	33
Modifications to Contracts	96	96	98	98
GSA Delivery Orders (Over \$25,000).....	86	86	88	88
Modifications, Orders Mod to Delivery Orders..	811	811	827	827
Small Purchase Actions...	44,860	44,860	45,757	25,000
Interagency Agreements....	318	318	324	324
Safety and Health Inspections	400	400	400	400
Safety and Health Training...	...	...	2	2
SECURITY:				
Security Clearances Processed.	1,200	1,200	700	800
Security Program Reviews (by site).....	42	60	25	35
Contract Security Cases Processed.....	3,200	3,200	4,750	5,500
COMSEC Account Audits....	12	20	20	25
Employee Re-Investigations	1,800	1,800	2,300	2,300
Contractor Reinvestigations Processed.....	...	420	400	400
Personnel Security/Suitability Cases Processed.....	3,200	3,200	4,500	4,500
Security Briefings/Training	75	100	150	500
Facility Security Plans Reviewed.....	36	45	75	150
Congressional Affairs:				
Telephone replies.....	28,000	34,000	34,000	34,000
Written replies.....	5,300	6,400	6,400	6,400
Public Affairs:				
Media replies.....	...	...	26,000	26,000
Telecommunications	...	...
Contacts.....	...	...	4,500	4,500
Internal Audit:				
Program Reviews.....	3	7	9	9

1/ These statistics are for the total workload in all accounts. The nature of the workload being measured does not allow for breakdown by account. This decision unit supports all programs Service-wide. A single action will often include the SFE, Examinations Fee, and Immigration User Fee activities.

Responsibilities of the Office of Finance have increased significantly during the past several years. In addition to the appropriated account, five reimbursable accounts have been added to the Service. The Office of Finance managed resources totalling over \$2.0 billion for fiscal year 1994. In 1994, the Office of Finance conducted monthly financial reviews, as well as detailed quarterly fiscal reviews that involved the Executive Staff, regions and program managers input in resolving problem areas. INS collected \$8,000,000 over the \$8,000,000 ceiling established in the Breached Bond/Detention Account for fiscal year 1994. The system was implemented in all of the regional offices, district offices, service centers and asylum offices. The Debt Collection System (DCOS) was implemented in May, 1994 - automating some of the manual functions of collecting debt.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	MX	Perm.	MX	Perm.	MX
	FY	Amount	FY	Amount	FY	Amount
Management and Administration.....	938	1,072 \$100,583	994	1,075 \$110,940	36	3 \$10,357

BUREAU OF IMMIGRATION STATISTICS

Ten positions, 5 workyears, and \$10,000,000 are requested to establish a principal data-gathering entity of the Federal Government in the broad field of immigration policy. The entity will collect, process, analyze and disseminate data useful in evaluating the social, economic, environmental, demographic and geographic impact of immigration laws. The entity will establish a statistical information system in consultation with interested government agencies and other parties to satisfy a number of criteria, including: relevance to current social and economic issues; timeliness in reflecting today's rapidly changing economic conditions; accuracy and consistently high statistical quality; and impartiality in both subject matter and presentation.

Several formal evaluations of U.S. immigration data conducted during the 1980s concluded that the knowledge base in this area was deficient in providing the data needed to support agency operations and to serve in formulating and evaluating immigration policy. The Immigration Act of 1990 requires the Administration and the Commission on Legal Immigration Reform to review and evaluate the impact of the Act and provide recommendations with respect to legal immigration into the United States. The most recent report of the Commission referenced the need for qualitative improvement in the data now collected, including more attention to completeness, and research into the validity and reliability of the information gathered, and availability for public use.

The data and related analyses will be critical when considering the impact of immigration and the implementation of the employment-based and diversity programs on labor needs, employment, and other economic and domestic conditions in the United States; the social, demographic, and natural resources impact of immigration; the impact of immigration on the foreign policy and national security interests of the United States; and, the impact of per country immigration levels and the establishment of a national level of immigration has upon the availability and priority of family preference visas.

Resources will support the establishment of a survey research database. This database will differ from administrative databases that are necessary for agency functions. The survey research data base will be suited

for social science research aimed at achieving a comprehensive understanding of the effects of immigration and may encompass state and local databases necessary to specify local impact and computer matching projects with other Federal agencies including, SSA, INS, USDA and the Bureau of Census to incorporate different databases for cooperative research.

Administrative Support

As INS programs expand, adequate administrative support is essential to maintain control of resources and provide sufficient support to field operations. The administrative functions involved include: financial operations, personnel operations, procurement and contracting, property management, fleet management, security, and health and safety. Based upon the requested increases in other program units, the Service is requesting an increase of 26 positions, 13 workyears, and \$1,600,000 for administrative support operations. These positions will be assigned to Administrative Centers in the field.

Reductions of 15 workyears and \$1,243,000 are proposed to absorb costs associated with the 1996 pay raise. These reductions are discussed in the Justification of Multi-Activity Program Changes.

Immigration and Naturalization Service
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Inspection			Border Patrol			Investigation			Detention & Deportation			Intelligence			Subtotal, Border Enforcement & Management		
	Pos.	Amount		Pos.	Amount		Pos.	Amount		Pos.	Amount		Pos.	Amount		Pos.	Amount	
Salaries																		
GS-14.....	..	..	..	..	..	..	..	..	..	..	..	..	2	\$128	2	\$128	2	\$128
GS-13.....	..	..	..	..	..	..	..	..	..	..	..	..	12	833	12	833	12	833
GS-12.....	..	..	..	..	..	..	..	..	..	..	..	..	6	355	6	355	6	355
GS-11.....	..	..	..	..	..	..	76	\$3,462	..	..	..	..	..	..	..	..	..	..
GS-9.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-8.....	25	\$628	..	..	..	..	..	..	..	..	..	..	15	489	15	489	15	489
GS-7.....	..	..	..	..	..	..	..	..	..	..	..	..	12	300	12	300	12	300
GS-6.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-5.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-4.....	..	..	..	..	..	..	20	361	..	6	\$121	..	..	..	..	6	121	..
GS-3.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-2.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-1.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total positions and annual rate.....	25	628	..	..	..	..	98	3,823	..	6	121	..	49	1,072	..	1,018	31,058	..
Lapse (-).....	-12	-313	..	..	..	..	-49	-1,911	..	-3	-80	..	-24	-935	..	-592	-19,348	..
Other than permanent.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Other personnel compensation.....	..	..	..	..	..	..	12	524	..	..	19	..	..	..	..	100	4,984	..
Total workyears and personnel																		
Compensation.....	13	313	..	..	..	..	61	2,438	..	3	76	..	25	937	..	528	17,996	..
Personnel benefits.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Travel and transportation of persons.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Transportation of things.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GSX Rent.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Comm., utilities, and misc charges.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Other services.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Supplies and materials.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Equipment.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Land & structures.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total program workyears and obligations																		
Changes requested, 1995.....	13	14,400	..	..	..	..	61	10,700	..	3	4,700	..	25	3,900	..	528	109,200	..

Immigration and Naturalization Service
Summary and Expenditures
Financial Analysis - Program Charges
(Dollars in thousands)

Item	Investigations		Intelligence		Worksite Enforcement & Verification		Info & Records		Legal Proceedings		Mgmt. & Admin.		Subtotal Worksite Enforcement & Verification	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Guards														
GS-14.....	..	..	2	\$125	..	..	4	\$250	36	\$2,246	..	..	42	\$2,621
GS-13.....	45	\$2,375	14	739	..	..	23	1,214	..	..	..	..	82	4,329
GS-12.....	77	3,416	..	..	..	..	..	..	..	..	12	\$533	89	3,951
GS-11.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..
GS-9.....	243	7,433	..	..	..	..	5	153	..	..	..	..	248	7,591
GS-8.....	..	..	..	..	..	..	36	901	17	425	..	..	53	1,328
GS-6.....	..	..	..	..	..	..	1	23	..	..	..	..	1	23
GS-4.....	89	1,795	..	..	..	..	..	..	..	..	..	..	89	1,795
Total positions and annual rate	454	15,026	16	864	..	..	69	2,841	53	2,671	12	533	604	21,635
Less: (-) permanent	-227	-7,512	-6	-431	..	..	-34	-1,274	-26	-1,335	-6	-267	-301	-10,819
Other personnel compensation	47	2,026	..	..	..	..	..	..	..	..	..	..	47	2,026
Total workyears and personnel compensation	274	9,542	6	433	..	..	35	1,567	27	1,336	6	266	350	12,846
Personnel benefits.....	..	6,536	..	135	..	..	..	394	..	414	..	83	..	7,864
Travel and transportation of persons.....	..	1,173	..	31	..	..	..	8	..	68	..	..	..	1,280
Transportation of things.....	..	999	..	..	..	..	..	..	..	..	..	..	..	999
GS A Rent.....	..	3,278	..	115	..	..	..	500	..	353	..	86	..	4,363
Comm., utilities, and misc charges.....	..	212	..	8	..	..	..	30	..	25	..	6	..	281
Other services.....	..	4,819	..	59	..	..	..	13,708	..	173	..	254	..	28,691
Supplies and materials.....	..	741	..	14	..	..	..	2,657	..	44	..	10	..	3,666
Equipment.....	..	15,287	..	205	..	..	..	2,758	..	1,157	..	85	..	18,512
Land & structures.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total program workyears and obligations charges requested, 1996	274	43,000	6	1,090	..	..	35	21,820	27	3,800	6	800	350	79,500

Immigration and Naturalization Service
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Investigations		Detention & Removal		Mgmt. & Admin.		Subtotal	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
91692								
08-14.....	16	\$845	63	\$3,930	...	...	63	\$3,930
08-13.....	...	...	...	...	...	...	16	845
08-12.....	...	...	...	...	14	\$621	14	621
08-11.....	...	...	...	...	...	...	...	...
08-9.....	124	3,798	...	...	...	...	124	3,798
08-7.....	...	...	31	776	...	...	186	4,705
08-6.....	...	...	...	...	...	...	...	...
08-5.....	31	625	475	9,579	...	...	506	10,204
08-4.....	...	...	157	2,835	...	...	157	2,835
Total positions and annual rate.....	171	5,266	789	16,343	94	4,705	1,068	26,936
Less (1).....	-85	-2,633	-394	-6,173	-47	-2,353	-533	-13,429
Other than permanent.....	...	...	...	...	...	...	...	...
Other personnel compensation.....	16	725	39	1,669	...	...	55	2,414
Total workyears and personnel								
Compensation.....	102	3,358	434	9,659	47	2,353	580	15,925
Personnel benefits.....	...	1,312	...	3,476	...	728	...	5,629
Travel and transportation of persons.....	...	365	...	13,839	...	120	...	14,424
Transportation of things.....	...	59	...	...	...	...	...	59
NSA Rent.....	...	1,235	...	5,693	...	679	...	7,722
Comm. utilities, and misc charges.....	...	78	...	370	...	44	...	500
Other services.....	...	1,612	...	26,376	...	342	...	28,604
Supplies and materials.....	...	282	...	36,311	...	78	...	36,684
Equipment.....	...	6,398	...	15,974	...	2,055	...	23,553
Land & structures.....	...	...	...	...	...	...	...	...
Total program workyears and obligations								
changes requested, 1996.....	102	13,900	434	112,000	47	6,400	580	133,100

Immigration and Naturalization Service
 Salaries and Expenses
 Financial Analysis - Program Changes
 (Dollars in thousands)

Item	Immigration		Other Initiatives - Absorption of the 1986 Pay Rates				1986 Pay Rates			
	Pos.	Amount	Inspections	Investigations	Detent. & Deport.	Intelligence	Pos.	Amount	Int. Affairs	Training
Grades										
GS-14.....	2	\$125	...	...	...	...	...	...	...	...
GS-13.....	2	106	...	...	...	...	...	...	...	...
GS-12.....	2	89	...	...	...	...	...	...	...	...
GS-11.....	1	37	...	...	...	...	...	...	...	...
GS-9.....	...	...	...	...	...	...	...	...	...	...
GS-7.....	3	76	...	...	...	...	...	...	...	...
GS-6.....	...	...	...	...	...	...	...	...	...	...
GS-5.....	...	...	...	...	...	...	...	...	...	...
GS-4.....	...	...	...	...	...	...	...	...	...	...
Total positions and annual rate	10	432	...	...	...	...	...	...	...	...
Leave (-).....	-5	-216	-13	-841	-22	-844	...	-925	-1	-851
Other than permanent.....	...	...	-4	-146	-2	-64	...	-10	...	...
Other personnel compensation.....	...	...	-6	-246	-3	-5	...	...	...	-9
Total workyears and personnel	5	214	-23	-904	-27	-850	...	-35	-1	-44
Compensation.....	67	...	-224	-480	-482	-12	...	-20	...	-24
Personnel benefits.....	8	...	...	...	...	...	...	...	...	...
Travel and transportation of persons.....	...	...	...	...	...	...	...	...	...	...
Transportation of things.....	...	...	...	...	...	...	...	...	...	...
OSA Post.....	72	...	...	...	...	...	...	...	...	...
Comm., utility, and misc charges.....	4	...	...	...	...	...	...	...	...	...
Other services.....	9,546	...	...	...	...	...	...	...	...	...
Supplies and materials.....	9	...	...	...	...	...	...	...	...	...
Equipment.....	80	...	...	...	...	...	...	...	...	...
Land & structures.....	...	...	...	...	...	...	...	...	...	...
Total program workyears and obligations	5	10,000	-23	-1,128	-27	-1,539	-1	-62	-61	-89
changes requested, 1986										

Implementation and Neworkation Service
Salaries and expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Other Initiatives - Absorption of the 1986 Pay Rates				Subtotal		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades								
GS-14.....	...	...	...	...	...	...	...	109 46,601
GS-13.....	...	...	...	...	...	...	...	112 5,912
GS-12.....	...	...	...	...	...	...	...	181 6,476
GS-11.....	...	...	...	...	...	...	...	101 3,734
GS-9.....	...	...	...	...	...	...	...	987 90,212
GS-7.....	...	...	...	...	...	...	...	281 7,032
GS-6.....	...	...	...	...	...	...	...	141 3,176
GS-5.....	...	...	...	...	...	...	...	601 12,120
GS-4.....	...	...	...	...	...	...	...	177 3,195
Total positions and annual rate								2,700 90,661
Lapse (-).....	-2	-6,139	-11	-3,361	-15	-6,700	-94	-64,297
Other than permanent.....	...	...	...	...	...	...	...	-83 -6
Other personnel compensation.....	...	...	...	...	...	...	...	-257 -6
Total workyears and personnel								185 9,422
Compensation.....	-2	-143	-11	-392	-16	-706	-116	-5,296
Personnel benefits.....	...	...	...	...	...	...	...	-1,912
Travel and transportation of persons.....	-36	-36	-84	-84	-446	-446	...	20,547
Transportation of things.....	...	...	...	...	...	...	...	16,639
GSA Rent.....	...	...	...	...	...	...	...	1,839
Comm., utilities, and misc charges.....	...	...	...	...	...	...	...	19,510
Other services.....	...	...	...	...	...	...	...	1,283
Supplies and materials.....	...	...	...	...	...	...	...	76,640
Equipment.....	...	...	...	...	...	...	...	47,603
Land & structures.....	...	...	...	...	...	...	...	46,768
Total program workyears and obligations								9,000
changes requested, 1986.....	-2	-179	-11	-486	-16	-1,245	-116	-7,210
								1,385 324,590

Immigration and Naturalization ServiceSalaries and expensesJustification of Multi-Activity Program Changes
(Dollars in thousands)Item: Workyear Reduction

In order to absorb the cost of the 1956 pay raise, INS will need to reduce 100 workyears and \$7,210,000 (including an estimated 16 workyears for Inspector and 19 workyears for investigators). Where possible, the Service will absorb the pay raise through reductions in general expenses. No reduction will be made to the Border Patrol Program. The reductions will be taken in the following areas:

<u>Program</u>	<u>NY</u>	<u>Amount</u>
Inspections.....	-17	-\$1,128
Border Patrol.....	..	..
Investigation.....	-24	-1,972
Detention and Deportation.....	-24	-1,538
Intelligence.....	-1	-62
International Affairs & Outreach.....	..	-61
Training.....	-1	-88
Data and Communications Systems.....	-2	-179
Information and Records Management.....	-11	-486
Construction and Engineering.....	..	-15
Legal Proceedings.....	-5	-438
Management and Administration.....	-15	-1,243
Total.....	-100	-\$7,210

Immigration and Naturalization Service Building and Facilities								
Status of Construction and Summary of New Facilities Requirements (In thousands of dollars)								
Amount Funded	Fiscal Year Funded	Source of Funds	Obligations to Date	Total Estimated Projected Cost	Project Status			
BORDER PATROL								
	1	Port Isabel, TX BPS		1994	IRCA	\$0	\$695	Construction to begin in 1995
	2	San Diego Sector - Barriers & Fences		1994	IRCA	\$188	\$188	First phase completed
	3	San Clemente, CA - Renovations		1994	IRCA	\$74	\$74	Completed
	4	Arizona - Nogales I-19 Traffic Checkpoint		1995	Approp	\$0	\$800	Project on hold
	5	Arizona - Border Fence/Roads		1995	Approp	\$0	\$250	Requirements being developed
	6	Brown Field, CA - BPS Overflow Building		1995	Approp	\$0	\$2,148	Requirements being developed
	7	Chula Vista, CA BPS Overflow Building		1995	Approp	\$0	\$1,670	Requirements being developed
	8	Imperial Beach, CA BPS Overflow Building		1995	Approp	\$0	\$1,499	Requirements being developed
	9	San Diego, CA BPSH Command & Control Facility		1995	Approp	\$0	\$1,000	Requirements being developed
	10	San Diego, CA BPSH Vehicle Maintenance Garage		1995	Approp	\$0	\$6,000	Statement of Work being developed
	11	San Diego, CA BPSH Facilities Maint Shop		1995	Approp	\$0	\$5,100	Statement of Work being developed
	12	San Diego, CA BPSH Electronics Shop		1995	Approp	\$0	\$2,700	Statement of Work being developed
	13	San Diego, CA Sector - Border Fence/Lights/Roads		1995	Approp	\$0	\$500	Material being purchased for lights only
	14	San Diego, CA BPSH - Central Processing Unit		1991 1992	Approp	\$1,000	\$1,000	Design completed Construction to begin in 1995
	15	Brown Field, CA BPS - Utilities		1991 1992	Approp	\$1,722	\$1,722	Corp of Engineers continuing design work
	16	Brown Field, CA BPS		1991 1992	Approp	\$44	\$3,078	Design under review

Project	Amount Funded	Fiscal Year Funded	Source of Funds	Obligations to Date	Total Estimated Project Cost	Project Status
17 Campo, CA BPS - Addition	\$1,000	1991 1992	Approp	\$1,000	\$1,000	Construction held up due to \$600,000 required for underground storage tank split
18 San Clemente, CA Checkpoint	\$7,500	1991 1992	Approp	\$0	\$7,500	Project under review
19 San Diego/E Centro Sectors (Health & Safety Projects)	\$500	1995	Approp	\$0	\$500	Repair and alteration projects ongoing
20 Calexico, CA BPS Buy-out	\$4,000	1995	Approp	\$0	\$4,000	Lease completed, buy-out process in progress
21 El Centro, CA BPS	\$2,456	1991 1992 1995	Approp	\$0	\$2,456	Statement of Work sent to Corp of Engineers for review and approval
22 Santa Teresa, NM BPS - permanent	\$2,650	1995	Approp	\$0	\$2,650	Potential sales under review
23 Santa Teresa, NM BPS - temporary	\$300	1991 1992	Approp	\$12	\$300	Statement of Work completed Corp of Engineer to do project
24 Alamogordo, NM Hwy 54 Traffic Checkpoint	\$487	1995	Approp	\$0	\$487	Statement of Work being developed
25 Alamogordo, NM Hwy 70 Traffic Checkpoint	\$356	1995	Approp	\$0	\$356	Statement of Work being developed
26 Las Cruces, NM I-10 Traffic Checkpoint	\$265	1995	Approp	\$0	\$255	Statement of Work being developed
27 Las Cruces, NM I-255 Traffic Checkpoint	\$255	1995	Approp	\$0	\$255	Statement of Work being developed
28 Las Cruces, NM Hwy 165 Traffic Checkpoint	\$356	1995	Approp	\$0	\$356	Statement of Work being developed
29 El Paso Sector - Yuleta Hwy 62/180 Traffic Checkpoint	\$542	1995	Approp	\$0	\$542	Statement of Work being developed
30 El Paso, TX Sector - Border Fence/Lights/Roads	\$1,250	1995	Approp	\$0	\$1,250	Requirements being developed
31 Del Rio, TX BPSH	\$5,500	1995	Approp	\$0	\$5,500	Requirements being developed
32 Del Rio, TX BPS	\$2,562	1991 1992	Approp	\$0	\$2,562	Statement of Work for design to Corp of Engineers for review and approval
33 Hebbronville, TX BPS	\$1,200	1995	Approp	\$0	\$1,200	Requirements being developed
34 Laredo, TX (North) BPS	\$2,600	1995	Approp	\$0	\$2,600	Requirements being developed

Projects	Amount Funded	Fiscal Year Funded	Source of Funds	Obligations to Date	Total Estimated Project Cost	Project Status
35 Pecos, TX - Housing	\$1,800	1995	Approp	\$0	\$1,800	Corp of Engineers to do land assessment
36 Sierra Blanca, TX BPS	\$750	1995	Approp	\$0	\$750	Requirements being developed
37 Rio Grande City, TX BPS	\$1,750	1995	Approp	\$0	\$1,750	Requirements being developed
38 Fairburn, TX BPS	\$1,750	1995	Approp	\$0	\$1,750	Requirements being developed
DETENTION AND DEPORTATION						
39 San Francisco, CA SPC 300 bed	\$11,250	1994	Approp-BOP	\$0	\$25,152	Requirements being Developed Sites being reviewed
40 KROME, FL SPC						
40 300 bed Loddown Dormitory	\$11,028	1994	Approp-BOP	\$922	\$11,028	Design at 35%
41 300-bed Replacement Dormitory	\$4,102	1991 1994	Approp-BOP	\$4,102	\$4,102	Construction award in 1995
42 Multi-purpose Building	\$310	1991	Approp	\$0	\$310	Design at 100% Construction to begin in 1995
43 Kitchen Expansion	\$301	1991	Approp	\$0	\$302	Statement of Work being developed
44 Administration Building Expansion					\$850	Statement of Work being developed
45 Buffalo, NY SPC 250-bed	\$10,300	1994	Approp-BOP	\$40	\$23,514	Requirements being developed Sites under review
46 El Centro, CA SPC - Multi-purpose Building	\$3,497	1992	Approp-BOP	\$3,497	\$3,497	Construction to be completed in 1995
	\$525	1993	Approp	\$525	\$525	
47 EL PASO, TX SPC						
47 200-bed Dormitory (2 each)	\$4,381	1991 1994	Asset Foreure Approp-BOP	\$751	\$4,381	Design at 100% Construction to begin in 1995
48 Deportation/ORR Building	\$1,170	1994	Approp-BOP	\$0	\$2,159	Statement of Work under review
49 Dining Facility	\$2,479	1994	Approp-BOP	\$0	\$2,479	Statement of Work under review
50 Infirmary	\$824	1994	Approp-BOP	\$0	\$824	Statement of Work completed
51 Infrastructure					\$2,012	Statement of Work under review

BPS - Border Patrol Station
 BPSH - Border Patrol Sector Headquarters
 SPC - Service Processing Center
 EOR - Executive Office of Immigration Review

Immigration and Naturalization Service
Salaries and expenses
Priority Ranking
Fiscal Year 1996

Priority/Program	Program Investment			WY	(\$000)	Ranking
	Enhancement/Initiative	Pos.				
Inspections, Border Patrol, Investigations, Detention & Deportation, Intelligence	- Border Control and Management	1,018	428	\$109,200	1	
	- Worksite Enforcement and Verification	604	303	79,500	2	
Investigations, Data & Communications, Information & Records Management, Legal Proceedings, Management & Administration	- Detention and Removal of Criminal and Deportable Aliens	1,068	535	133,100	3	
	- Service and Assistance	10	5	10,000	4	
Detention & Deportation, Information and Records, Management and Administration						
Total			2,700	1,289	331,800	

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Public Law 101-515, Section 112(5) - Report on the Financial Condition of the Breached Bond/Detention Account. The requested information is included in the 1996 Congressional Budget request for the Breached Bond/Detention Account.
2. Public Law 101-515, Section 210(d)(3) - Report on the Financial Condition of the Land Border Inspection Fee Account. The annual report was submitted to the Department on July 14, 1993.
3. Public Law 101-515, Section 210(d)(3) - Quarterly reports on the status of the Land Border Inspection Project. Reports were submitted on March 11, 1993 and July 14, 1993.
4. Public Law 101-515, Section 209(a) - Report on the Financial Condition of the Immigration Examinations Fee Account. The requested information is included in the 1996 Congressional Budget Request for the Immigration Examinations Fee Account.
5. Public Law 101-459, Section 210(a)(5) - Report on the Financial Condition of the Inspections User Fee Account and Progress in meeting the 45 minute standard. The report was sent to Congress on March 2, 1993.
6. The Conference Report, 102-918 - Propose legislation to correct pay disparities involving inspectors. Development of a comprehensive legislative initiative to restructure Immigration Inspector compensation, including replacing 1931 Act overtime is in process.
7. The House Appropriations Subcommittee Report, 103-552, - Report on Problems with Naturalization Case Processing Backlogs and Corrective Actions Taken, due by January 1, 1995. A report to the Congress has been drafted and will be sent to the Congress when it becomes final.
8. The House Appropriations Subcommittee Report, 103-552, - Report on Findings and Recommendations regarding the Need for the San Clemente, CA and Tamecula, CA Traffic Checkpoints, due by October 1, 1994. The evaluation of the two checkpoints is continuing. An interim letter is being prepared and will be sent in the near future.
9. The House Appropriations Subcommittee Report, 103-552, - Report on the Impact of the Closure of the INS Suboffice in Northwest Indiana, due by October 1, 1994. A report was sent to Congress on October 19, 1994.
10. The House Appropriations Subcommittee Report, 103-552, - Report on Plans for the Relocation of the Miami, FL District Office, due by September 1, 1995. INS solicited approval from the Congress to relocate the office and received the necessary authorizations. Letters regarding arrangements for an office which would provide information and forms were sent to the Congress on October 31, 1994.
11. The Senate Appropriations Subcommittee Report, 103-309, - Report on Progress Being Made Toward Staffing a New INS Office in Greenville, SC, due by January 15, 1995. Letters regarding progress being made in

filling positions for this office were sent to the Congress on January 18, 1995.

12. The Senate Appropriations Subcommittee Report, 103-309, - Report on INS Progress in Implementing an Improved Fingerprint Collection System, due by December 1, 1994. Letters regarding progress being made in developing a system for the collection of fingerprints and the development of a regulation to certify designated outside entities to take fingerprints of applicants for immigration benefits were sent to the Congress on January 10, 1995.
13. The Senate Appropriations Subcommittee Report, 103-309, - Report on INS-U.S. Customs Service Efforts to Study the Costs and Benefits of Extending the Hours of Operation of the Frontier, WA Port-of-Entry, due within 90 days of the enactment of the bill. An interim letter is being prepared and will be sent to the Appropriations Committee in the near future.

Immigration and Naturalization Service
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1995

Category	1994		1995		Base	Program Increases	1995		Reimbur- table
	Authorized	Reimbur- table	Authorized	Reimbur- table			Authorized	Reimbur- table	
Attorneys (805)	251	54	295	156	295	109	404	189	
Asylum Officer (830)	2	176	2	401	2		2	377	
Paralegal Specialist (850)	480	7	482	503	482	30	528	25	
Other Legal and Kindred (800-895)	187	324	187	324	187		187	324	
Contact Representative (860)	437	191	505	303	505	640	1,145	1,006	
General Enforcement & Support (1600-1699)	350	185	350	195	350	157	507	223	
Detention and Deportation Officer (1601)	600	45	600	45	600	481	1,126	173	
Detention Enforcement Officer (1602)	1,537	183	1,547	213	1,545	204	1,749	227	
Criminal Investigators (1611)	843	2,624	946	3,098	946		946	3,786	
Immigration Inspectors (1616)		522		579				579	
Immigration Interviewers (1618)	4,559		4,559	700	4,559	700	5,259	700	
Border Patrol Agents (1699)	28	2	28	2	28		28	2	
Other Immigration Occupations (801-099)	20	7	20	7	20		20	20	
Social Sciences, Economics and Kindred (100-199)	188	60	227	78	227	8	235	75	
Personnel Management (200-299)	1,898	1,219	1,908	1,847	1,961	280	2,241	1,422	
General Administrative and Clerical (300-399)	147	46	178	66	178	8	186	63	
Accounting and Budget (500-599)	7		7		7		7		
Medical, Dental and Public Health (600-799)	90	2	90	17	90	20	110	17	
Engineering and Architecture (800-899)	46	5	46	5	46		46	5	
Information and Arts Group (1000-1099)	50	10	60	10	60		60	10	
Business and Industry Group (1100-1199)	2		2		2	16	18	2	
Physical Sciences Group (1300-1399)	29	1	29	1	29		29	1	
Mathematics and Statistics Group (1500-1599)	12		12		12	5	17		
Equipment Facilities and Service (1600-1699)	15	14	15	19	15		15	25	
Education Group (1700-1799)	64	11	64	15	64	9	73	15	
Supply Group (2000-2099)	79		79		79		79		
Border Patrol Pilots (2181)	12		12		12		12		
Transportation (2100-2199)	227	3	224	23	224	25	249	23	
Other (WQ)	12,220	6,892	12,029	3,838	12,576	2,700	15,276	9,826	
Total	631	287	659	271	639	45	884	283	
Washington	11,399	6,366	11,743	6,336	11,710	2,695	14,365	9,261	
U.S. Field		259	27	232	27		27	262	
Foreign Field									
Total	12,220	6,892	12,029	6,839	12,576	2,700	15,276	9,826	

Immigration and Naturalization Service
Salaries and expenses
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work - years	Amount
1995 as enacted.....	12,628	12,552	\$1,102,871
Procurement & GSA savings.....	...	...	-198
Absorption of 1995 pay raise.....	...	-350	...
FTE technical adjustment.....	...	100	...
Transfer from HDTA.....	...	...	1,537
1995 Appropriation anticipated.....	12,628	12,302	1,104,012
Adjustments to base:			
Transfers.....	...	...	-15,700
Streamlining.....	-53	-53	...
Mandatory Increases:			
1996 Pay Raise.....	...	...	12,820
One Additional Compensable Day.....	...	...	2,438
Annualization and Increase of 1995 Pay Raise.....	...	350	16,374
Within-grade increases.....	...	...	7,557
Health Benefits.....	...	...	1,289
\$80 Supplemental Retirement Contributions.....	...	...	461
Foreign Allowance.....	...	...	1
Accident Compensation.....	...	...	525
Unemployment Compensation.....	...	...	220
Increase in Postal Rates.....	...	...	1,141
General Pricing Level Adjustments.....	...	...	2,362
Annualization of 1995 program increases.....	...	154	9,771
Total mandatory increases.....	...	504	51,969
Decreases.....	...	...	-11,400
1996 Base.....	12,576	12,753	1,128,881
Program changes.....	2,700	1,199	324,590
1996 Request.....	15,276	13,922	1,453,471

**Immigration and Naturalization Service
Salaries and Expenses
Justification of Adjustments to the Base
(Dollars in thousands)**

	Perm. Pos.	Work- Year	Amount
Adjustments to Base:			
Transfers:			
Transfer to the Office of the Inspector General: Fee Account Audits.....	...	...	-\$5,000
Transfer to the Violent Crime Reduction Trust Fund: Border Patrol.....	...	...	-10,700
Equipment and Asylum Detention.....	...	...	-15,700
Total Transfers.....	...	...	...
Streamlining:			
Streamlining savings are projected due to cost savings initiatives in.....	-53	-53	...
various programs, including the further privatization of detention and a consolidation of field administration.			
Mandatory Increases:			
1996 pay raise.....	...	...	12,820
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$12,820,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$9,220,000 pay and \$3,600,000 benefits = \$12,820,000).			
One Additional Compensable Day.....	...	...	2,438
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits based as well as pay for the additional day (\$1,754,000 for pay and \$684,000 for benefits).			
Annualization and increase of 1995 pay raise.....	...	350	16,374
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$11,773,000 for pay and \$4,601,000 for benefits).			
Within-Grade Increases.....	...	...	7,557
This request provides for the expected increase in costs of within-grade increases.			

This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$5,437,000 for pay and \$2,120,000 for benefits.

Annualization of 335 additional positions approved in 1995..... 154 6,771
This provides for the annualization of additional positions approved in the
in the 1995 Appropriations Act for the Inspections, Investigation, Information &
Records, Legal Proceedings, and Management and Administration programs.

	Approved 1995 Increases	Annualization Required
Annual salary rate of approved positions.....	\$10,088	\$4,269
Other than permanent.....	1,620	...
Other personnel compensation.....	1,182	591
Less Lapse (40%).....	-4,860	...
Net Compensation.....	7,030	4,860
Associated employee benefits.....	2,470	1,321
Other (non-personnel)		
Travel.....	535	287
Transportation of things.....	77	...
GSA Rent.....	2,117	...
Other rent.....	87	...
Communications/Utilities.....	213	85
Printing/Reproduction.....	36	...
Other services.....	6,364	...
Supplies/Materials.....	466	218
Equipment.....	3,735	...
Total costs subject to annualization	23,130	6,771

Health benefits.....
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$1,299,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.

... 1,299

\$80 supplemental retirement contributions.....
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$460,000 provides for this contribution.

... 461

Foreign allowances.....	...	...	1
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$1,000 provides a 1.7 percent increase over the obligations of \$58,824, which are committed for 1995.			
Accident compensation.....	...	...	525
This increase reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1994 of employees' accident compensation. The 1996 amount will be \$525,000.			
Unemployment compensation.....	...	...	220
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$220,000 is required to meet our commitment to DOL.			
Postal rate increases.....	...	...	1,141
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$1,141,000 is requested in 1996 to cover this rate adjustment.			
General pricing level adjustments.....	...	...	2,362
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total Mandatory Increases.....	...	504	51,969
Decreases:			
Nonrecurring HUDTA transfer.....	...	...	-1,537
Nonrecurring costs of 335 new positions anticipated in 1995.....	...	...	-2,822
Nonrecurring costs are associated with positions approved in the 1995 budget request for the Inspections, Investigations, Information & Records, Legal Proceedings, and Management & Administration programs. These amounts include nonrecurring costs for personal equipment.			
Federal Employees Retirement System (FERS).....	...	...	-5,290
Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agency rate fell from 27.3 percent and the non-law enforcement agency rate fell from 12.9 to 11.4. The estimated			

decrease is \$5,290,000.

FY8 2000.....	...	...	-190
This decrease reflects FY8 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$190,000.			
Procurement Savings.....	...	...	-1,561
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the federal procurement system. The 1996 decrease is \$1,561,000.			
Total decreases.....	...	...	-11,400
Total, adjustments to the base.....	-53	451	24,869

Immigration and Naturalization Service
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
EX 1-5, \$108,200-\$149,400.....	1	...	1	...	1	...	...	...
ES 1-6, \$92,900-\$115,700.....	32	...	33	...	33	...	...	...
GS-15, \$71,664-\$93,168.....	226	...	236	...	236	...	...	...
GS-14, \$60,925-\$79,200.....	547	...	565	...	674	...	108	...
GS-13, \$51,667-\$67,021.....	769	...	795	...	907	...	112	...
GS-12, \$43,356-\$56,362.....	1,912	...	1,976	...	2,167	...	191	...
GS-11, \$36,174-\$47,025.....	1,445	...	1,493	...	1,594	...	101	...
GS-10, \$32,928-\$42,808.....	45	...	48	...	46	...	...	...
GS-9, \$29,898-\$39,869.....	3,050	...	3,154	...	4,141	...	987	...
GS-8, \$27,058-\$35,185.....	160	...	165	...	185	...	...	...
GS-7, \$24,441-\$31,770.....	1,614	...	1,698	...	1,898	...	228	...
GS-6, \$21,895-\$28,592.....	386	...	401	...	542	...	141	...
GS-5, \$19,732-\$25,666.....	1,266	...	1,246	...	1,647	...	601	...
GS-4, \$17,637-\$22,925.....	385	...	398	...	576	...	177	...
GS-3, \$15,711-\$20,429.....	63	...	65	...	65	...	...	...
GS-2, \$14,398-\$18,115.....	29	...	30	...	30	...	...	...
GS-1, \$12,806-\$16,015.....	13	...	13	...	13	...	...	...
Wage Grade.....	333	...	344	...	344	...	...	...
Total positions.....	12,220	\$468,413	12,629	\$504,313	15,276	\$610,125	2,647	\$105,810
Lapses.....	-961	-27,721	-1,320	-50,256	-2,387	-95,301	-1,551	-45,045
Net full-time permanent.....	11,259	440,692	11,309	454,057	12,909	513,822	1,116	59,765
Other than permanent:								
Temporary employment.....	519	120,479	993	21,003	1,013	21,720	20	717
Other personnel compensation:								
Overtime.....	4,637	120,478	4,568	108,276	4,770	122,520	202	14,244
Special personal services payments.....	...	367	...	660	...	660	...	...
Total, workyears and personnel compensation.....	16,415	682,016	16,870	583,986	18,692	658,722	1,336	74,726
Average GS/GM salary.....		9.33		9.32		9.11		
Average GS/GM Grade.....		30,063		30,953		30,835		

Immigration and Naturalization Service
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	11,259	\$440,892	11,309	\$454,057	12,909	\$513,822	1,600	\$59,765
11.3 Other than full-time permanent.....	519	15,159	993	21,003	1,013	21,720	20	717
11.5 Other personnel compensation.....	4,637	120,479	4,568	108,276	4,770	122,520	202	14,244
11.8 Special personnel services payments.....	367	367	660	660	660	660	...	...
Total, workyears and personnel compensation.....	18,415	576,697	18,570	583,996	18,692	658,722	1,822	74,726
12.1 Civilian personnel benefits.....	157,629	...	162,020	...	182,108	...	...	30,088
13.0 Benefits for former personnel.....	3,912	...	843	...	843	...	...	...
21.0 Travel and transportation of persons.....	23,279	...	20,542	...	37,488	...	...	16,926
22.0 Transportation of things.....	2,303	...	3,072	...	5,048	...	...	1,976
23.1 Rental Payments to GSA.....	60,923	...	73,516	...	93,028	...	...	19,510
23.2 Rental Payments to others.....	8,422	...	6,875	...	7,008	...	...	131
23.3 Communications, utilities & misc. charges.....	18,400	...	32,384	...	35,171	...	...	2,787
24.0 Printing and reproduction.....	1,504	...	1,640	...	1,855	...	...	15
25.0 Other contractual services.....	145,665	...	132,922	...	219,264	...	...	66,342
26.0 Supplies and materials.....	49,072	...	35,484	...	84,396	...	...	48,932
31.0 Equipment.....	17,498	...	30,431	...	112,457	...	...	82,028
32.0 Land and structures.....	129	...	39	...	6,039	...	...	6,000
42.0 Insurance claims and indemnities.....	312	...	218	...	...	...	...	...
43.0 Interest and dividends.....	14	...	...	...	...	...	...	...
44.0 Refunds.....	37	...	...	...	...	...	...	...
91.0 Unvouchered.....	2	...	...	...	...	...	...	...
Total obligations.....	18,415	1,063,788	18,570	1,104,012	18,692	1,453,471	1,822	349,459
Revelation of obligations to outlays:								
Obligations.....		1,063,788		1,104,012		1,453,471		349,459
Outlays.....		1,037,203		1,103,902		1,374,693		270,791

Department of Justice
Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Estimates for Fiscal Year 1996

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Immigration and Naturalization Service
Violent Crime Reduction Trust Fund

Summary Statement

Fiscal Year 1996

The Immigration and Naturalization Service (INS) is requesting, for 1996, a total of 1,707 permanent positions, 1,558 workyears and \$335,498,000 in the Violent Crime Reduction Trust Fund (VCRF). This request represents an increase of 371 positions, 187 workyears, and \$73,288,000 over the 1995 appropriation enacted of 1,336 positions, 866 workyears, and \$255,200,000.

This level of funding and its intended use will have significant impact on controlling the border, reducing crime and urban pressure resulting from illegal immigration and will help the State and local governments provide quality human services. This increase consists of three initiatives:

Border Enforcement and Management

a total of \$36,802,000 is requested in INS' Data and Communications Program to build on the commitment to strengthen border control. This increase will allow INS both to control illegal entry at ports-of-entry and enhance its prevention and information management systems. Specifically, this includes: \$4,000,000 for interagency information sharing with the Department of State; \$8,000,000 for the continued deployment and upgrading of the Interagency Border Inspection System (IBIS); \$15,702,000 for infrastructure improvements and the replacement of old and obsolete equipment; and \$9,100,000 to enhance INS' corporate database that includes information access capabilities necessary to continue to implement agency-wide information sharing, imaging technology, and electronic file transfers.

Detention and Removal of Criminal and Other Deportable Aliens

In total, 332 positions, 167 workyears and \$33,116,000 are requested for this initiative. Of this amount, \$9,900,000 is requested in the Detention and Deportation program to enhance INS' ability to remove aliens who are denied asylum and are deportable from the United States. The workload in the Detention and Deportation program is expected to increase as a result of the 1995 Asylum Reform Initiative as well as from the Law Enforcement Support Center operations and its overall strengthening of border enforcement. In 1995, Asylum Reform resource enhancements will allow INS to build a more timely asylum decision system and process both incoming applications and backlogged cases. This resource level, combined with INS' salary and expenses appropriation request for detention and removals, will enable INS to remove \$3,080 non-criminal aliens denied political asylum and otherwise in a deportable status.

In addition, a total of 332 positions, 167 workyears, and \$23,216,000 is requested for the Service's Institutional Hearing and Expedited Deportation programs. This initiative represents the logical follow-on of the President's FY 1995 Institutional Hearing Program Initiative. The 1995 resources will allow INS to identify and process for removal criminal aliens incarcerated in targeted state correctional institutions (California, Texas, Florida, New York, and Illinois), and in the Federal Bureau of Prisons. Additional investigative

personnel have been assigned to prison facilities to identify criminal aliens at the beginning of their sentences and are released into the population at large. Criminal aliens identified with short-term sentences, who are processed and heard in FY 1995, will have begun to approach their release dates in FY 1996. As a result, significant numbers of criminal alien removals will begin in FY 1996 and reach maximum capacity in FY 1997. The 1996 resource request will allow the Detention and Deportation program to continue to track these cases, update the necessary data bases, obtain required travel documents, execute the warrants of deportation and physically remove the criminal aliens from the country. Of this request, 286 positions, 141 workyears, and \$20,675,000 are for the Detention and Deportation program and 46 positions (31 attorneys), 23 workyears, and \$2,541,000 are for the Service's Legal Proceedings program to assist in expediting the deportation and removal of criminal aliens and to provide representation for the government in deportation and exclusion hearings conducted by the Executive Office for Immigration Review.

Assistance to States and Improving Customer Service

A total of 39 positions, 20 workyears, and \$3,370,000 is requested for the Investigations program to expand the use of the Law Enforcement Support Center (LESC), which will eventually give state and local law enforcement officers in Arizona 24 hour/day query access to INS' records through police, radio, and other communications channels. The LESC pilot began its operation on July 1, 1994 at Burlington, Vermont. Access is currently limited to the State of Arizona. When fully operational, the LESC will have the capability to respond to any law enforcement agency's query regarding aliens suspected of aggravated felony convictions.

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's			Reprogrammings			1995 Appropriation		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement									
a. Border Patrol.....	810	307	\$54,500	...	...	...	810	307	\$54,500
b. Investigations.....	37	72	11,193	...	...	...	37	72	11,193
c. Detention & Deportation.....	...	...	3,500	...	...	...	...	...	3,500
Subtotal.....	847	379	69,193	...	...	...	847	379	69,193
2. Citizenship and Benefits									
a. International Affairs & Outreach.....	388	388	21,028	...	...	...	388	388	21,028
3. Immigration Support									
a. Data & Communications.....	5	3	157,783	...	...	...	5	3	157,783
b. Legal Proceedings.....	98	98	7,199	...	...	...	98	98	7,199
Subtotal.....	101	99	164,979	...	...	...	101	99	164,979
4. Program Direction									
a. Management and Administration.....	...	...	...	...	...	...	...	...	...
Total.....	1,336	866	255,200	...	...	...	1,336	866	255,200

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Summary of Revenues
(Dollars in thousands)

	1995 Appropriation		1995 Base		1995 Request		Increase/Decrease		Perm. Pos.	Work-1995	Amount
	Perm. Pos.	WY	Perm. Pos.	WY	Perm. Pos.	WY	Perm. Pos.	WY			
Adjustments to the base:											
1995 appropriation anticipated											
Mandatory increases and adjustments											
Nonrecurring costs related to new positions											
Nonrecurring costs of equipment, background investigations, and start-up costs related to 1995 initiative											
1995 Base											
Estimates by budget activity											
1. Enforcement	647	378	647	882	1,172	1,040	326	164			\$33,945
2. Citizenship and Benefits	308	308	308	308	308	308					
3. Immigration Support	101	99	101	101	147	124	46	23			\$6,343
4. Program Division											
Total	1,336	866	1,336	1,371	1,767	1,368	371	187			\$33,945

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund (VCRTF)
Summary of Resources by Program
(Dollars in thousands)

Estimate by Program	1994 As Enacted				1995 Appropriation Anticipated				1995 Base				1995 Estimate				Increase/Decrease			
	Perm.		WY		Perm.		WY		Perm.		WY		Perm.		WY		Perm.		WY	
	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.	Pos.	Am.
Enforcement																				
Border Patrol	810	307	810	810	810	810	810	810	810	810	810	810	810	810	810	810
Investigations	37	72	37	72	37	72	37	72	37	72	37	72	37	72	37	72
Detention and Deportation
Subtotal	847	379	847	882	847	882	847	882	847	882	847	882	847	882	847	882
Citizenship & Benefits																				
Immigration Support	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308
Data and Communications Systems
Legal Proceedings
Subtotal	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308	308
Total, VCRTF	1,155	687	1,155	1,190	1,155	1,190	1,155	1,190	1,155	1,190	1,155	1,190	1,155	1,190	1,155	1,190

**Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)**

Activity: Enforcement

	1995 Appropriation		1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	Amount	Perm.	Amount	Perm.	Amount
	FOIA	NY	FOIA	NY	FOIA	NY	FOIA	NY
Border Patrol.....	810	307	\$54,500	\$77,998	810	\$77,998	...	...
Investigation.....	37	72	11,193	10,147	76	13,517	39	20
Detection and								
Deportation.....	847	374	3,500	8,728	286	39,173	286	144
Total.....	847	374	69,193	96,943	1,172	130,888	325	33,945

This budget activity contains most of the resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons. This activity includes inspecting applicants for admission, patrolling the border, locating undocumented aliens who are in the United States following illegal entry or are in violation of their status after legal entry, detaining and deporting illegal aliens, and enforcing the employer sanctions provisions of the Immigration Reform and Control Act of 1986.

	1995 Appropriation		1995 Base		1995 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	Amount	Perm.	Amount	Perm.	Amount
	FOIA	NY	FOIA	NY	FOIA	NY	FOIA	NY
Border Patrol....	810	307	\$54,500	\$77,998	810	\$77,998	...	...

LONG RANGE GOAL: To ensure that the entry of persons into the United States between ports-of-entry is controlled in a manner that is consistent with the National Interest as established and provided by Congress by preventing entry of persons who have not been inspected and by detecting and apprehending illegal aliens within the United States.

MAJOR OBJECTIVES:
Deter uncontrolled entry into the interior of the United States by the rapid detection, interception, and apprehension of illegal entrants at or near the border.

Between ports-of-entry, intercept drug smugglers, potential terrorists and criminals or deter them from attempting illegal entry.

Cause persons seeking admission into the United States to present themselves at designated ports for inspection.

BASE PROGRAM DESCRIPTION: The function of this program is to deter or prevent illegal entry or locate and apprehend aliens and other illegal entrants at or near the border. In addition, the Border Patrol has primary responsibility for drug interdiction between the ports-of-entry. Border Patrol officers engaged in surveillance activities to prevent entry or apprehend those who have illegally crossed the borders are supported by computer-monitored electronic ground sensors which alert them to illegal entries. Additional support is provided by observation aircraft, low light level television systems and infrared viewing devices. Patrol officers use a wide assortment of vehicles adapted to local terrain and operational requirements, including motorcycles, all-terrain vehicles, boats and horses. In addition, line-watch traffic check operations are conducted along major routes of travel to restrict access to the interior by illegal aliens. Transportation centers are placed under surveillance for the same reason. The Patrol conducts numerous interagency drug task force operations with other Federal, State and local law enforcement agencies through its participation in Operation Alliance along the southern border. To further assist the Border Patrol in this endeavor, all Border Patrol agents receive Drug Enforcement Administration Title 21 cross-designated authority in their basic training in Glynnco, Georgia.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Border Patrol program are presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
Deportable Aliens Apprehended 1/.....	1,263,490	1,031,668	950,000	900,000
Smuggled Aliens Apprehended.....	81,067	94,934	95,500	98,000
Smugglers Apprehended..	15,267	14,143	14,500	14,900
Number of Criminal Aliens Apprehended.....	33,244	33,338	34,000	34,500
Number of Seized Conveyances	9,602	9,134	9,200	9,200
Number of Drug Seizures..	6,980	6,647	6,000	6,900
Value of Drug Seizures (\$000).....	\$1,336,731	\$1,620,461	\$1,650,000	\$1,675,000

1/ The number of deportable aliens apprehended includes both the count of smuggled aliens and smugglers apprehended.

In 1994 the Border Patrol apprehended 1,031,668 illegal aliens along the United States border, an 18.3 percent decrease from 1993. The level of apprehensions in the first quarter of 1995 continues to reflect a decrease in apprehensions with an 8.6% reduction for the same period last year. The level of apprehensions is expected to decline even further in 1995 primarily due to the on-going success of Operation Hold the Line in the El Paso border area and as a result of the enhanced deterrence effect from the 1994 and 1995 deployment of 500 new agents to the San Diego area. The level of apprehension decline is expected to moderate in 1995 and then continue decreasing again in 1996 once the full effect of the 700 new agents hired in 1995 are fully deployed on the border.

The workload and accomplishments data includes the combined effects of the additional agents hired in 1994 (350 agents) and in 1995 (700 agents) with resources provided by the Violent Crime Reduction Trust Fund. The 1996 workload data also includes the efforts of the additional 200 agents requested under the Salaries and Expenses account.

The Border Patrol has made significant accomplishments in the effort to stop the flow of illegal drugs into the United States. In 1993, the Border Patrol reached a six year record level with 6,980 drug seizures for the year. There was a slight decline in 1994 with 6,647 drug seizures, decline of 4.8 percent from the previous year. The Border Patrol Canine Program continues to be a vital part of the Border Patrol's interdiction of drugs and the detection of concealed humans. In 1994, the canine corps assisted in the detection of over 55 percent of all the drugs seized by the Patrol. In addition, the dogs were responsible for the detection and location of 1.6 million dollars of contaminated currency and the detection of 7,048 humans that were concealed in trucks, motorhomes, sedans and other conveyances. The Patrol continues to be the principle interdiction force between the ports-of-entry on the southern land border.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
	Pos.	MY	Amount	Pos.	MY	Amount	Pos.	MY
Investigations.....	37	72	\$11,193	37	72	\$10,147	76	92
							\$13,517	39
								20
								\$3,370

LONG-RANGE GOAL: To enforce the Immigration and Nationality Act within the interior of the United States; identify law violators and gather evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiate appropriate criminal prosecution or provide information to support administrative action to effect removals from the United States.

MAJOR OBJECTIVES:

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities.

Prosecute and deter arrangers, facilitators and smugglers who conspire with and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes.

Identify criminal aliens incarcerated in Federal, State and local prisons to facilitate their deportation upon completion of their sentences.

Prosecute aliens who illegally apply for and collect benefits from government entitlement programs, prevent the filing of fraudulent claims, and support civil proceedings to recover benefits illegally obtained.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings, develop grounds for denial of petitions and applications, and obtain government evidence for administrative proceedings.

BASE PROGRAM DESCRIPTION: The functions of this program include the detection of criminal law violations and the identification of violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Investigative task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization.

Another major area of investigations activities involves employers who knowingly hire illegal aliens and aliens who enter the United States and illegally obtain employment. Administrative and criminal investigations are accomplished through traditional investigative techniques, such as interviews at places of residence and employment, and reviews of public and business records. Investigations often require the service of subpoenas and search warrants to obtain evidence or to gain access to employment sites.

IRCA and other statutes mandate expeditious identification and processing of aliens convicted of deportable offenses. During FY 1992, the Department of Justice (DOJ) conducted a survey of Federal and State correctional systems and submitted a report of its findings to the Senate and House Judiciary Committees. The survey reflected that over 57,000 foreign-born nationals (FBN) were currently incarcerated (based on felony convictions) in the nation's Federal and State penitentiary systems. Currently INS is unable to accurately determine the total number of prison inmates in the United States who are "criminal aliens" as required by §510 of the Immigration and Nationality Act of 1990 (IMNACT '90). However, the INS continues to determine the number of FBNs as §507 of IMNACT '90 is further implemented. It is anticipated that as these and other laws are more fully implemented and the Institutional Hearing Program (IHP) in Federal, State and local prisons is fully operational, the INS will be better able to accurately determine the number of deportable aliens in the prison systems of this country, process them for deportation proceedings and, upon receipt of a final order of deportation and completion of their sentences, remove them from this country.

The Investigations program is working in close coordination with the Executive Office of Immigration Review (EOIR) to improve and expand (where necessary) the IHP, so that incarcerated alien felons can be identified and processed for deportation proceedings and complete the entire deportation hearing process during the period of their incarceration. Upon the completion of the inmate's sentence, the alien can then be immediately removed from the United States without coming into INS custody, without the attendant delay for continued administrative (deportation) hearings and, most importantly, without being detained at further government expense.

In 1992, the Service began targeting violent criminal alien gangs in 36 U.S. cities. This effort focuses on violent criminal alien gangs in designated cities where INS special agents, frequently in coordination with other law enforcement officials, seek to identify, apprehend, convict and remove from the United States alien members of these criminal groups and ultimately dismantle their organizations. The Investigations program will continue its commitment to the Organized Crime Drug Enforcement Task Force (OCDETF) and the Violent Gang Task Force (VOTF) and work in coordination with other Federal, State, and local law enforcement agencies to place serious criminal offenders who are aliens into deportation proceedings, and where applicable, remove them from the United States.

In addition, this program is responsible for the management of the Service's assets forfeiture activities.

The principal goal of the Fraud program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting complex criminal organizations involved in immigration fraud

¹ Section 507 of the Immigration Act of 1990 requires the fifty states (and Guam, the U.S. Virgin Islands, Puerto Rico and the District of Columbia) to submit plans for furnishing to INS data concerning FBNs convicted of certain crimes within their states (e.g., many narcotic violations, crimes involving moral turpitude, etc.) and to provide certified records of conviction for those FBNs that INS has identified as deportable criminal aliens. The states have responded positively to this requirement of law. As the law is being implemented, investigations staff are able to obtain, more expeditiously and systematically, information required under the law. Therefore, the incarcerated criminal aliens will be able to begin the IHP more efficiently. The availability of records of conviction expedites processing of aliens for deportation, and greatly facilitates the administrative hearing process.

for criminal prosecution. One investigation recently completed by INS resulted in the dismantling of one of the largest counterfeit document manufacturing and distribution organizations in INS history. As a result of this investigation, the INS seized 250,000 fraudulent documents valued at over \$7 million, two printing presses, counterfeit currency, and handguns. With regard to alien smuggling, the growing problem of Chinese alien smuggling by sea is of particular concern. In FY 1993, six boats were seized in United States territorial waters with Chinese seeking asylum. The boat smuggling investigations are complex, expensive, and international in scope. One recent smuggling vessel carried more than 500 illegal aliens. Boat smuggling investigations involve interpreter costs, domestic and international travel, specialized equipment needs, large numbers of smuggling suspects, and high witness and prosecution costs. There were sixteen boats intercepted before reaching U.S. waters. This has changed the dynamics of the Chinese smuggling. The smuggling continued but the interception is occurring primarily outside the U.S. United States Coast Guard has large numbers of people. The matriculation appears to be in smaller numbers and a variety of illegal entry methods. This is expected to increase the number of smuggling attempts and therefore, smuggling investigations in the near future.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Investigations program are presented in the following table:

Item	1993	1994	Estimate 1995	
			1995	1996
Criminal Organizations 1/				
Cases Completed.....	100	98	98	98
Defendants Prosecuted.....	250	359	300	300
Cases Completed per workyear	1.0	.9	1.0	1.0
Deportable Aliens Apprehended				
Criminal Aliens 2/.....	43,633	44,168	49,200	85,100
Smuggled Aliens.....	12,195	12,918	12,900	13,400
Fraud 4/				
1. Organizations/Facilitators				
Cases Completed.....	571	571	571	600
Defendants Prosecuted.....	161	137	140	160
Cases Completed per workyear.....	10.0	6.4	6.4	6.4
2. Individuals				
Cases Completed.....	198	1,117	1,100	1,100
Defendants Prosecuted.....	19	30	30	30
Cases Completed per workyear	39.0	50.3	50.0	50.0
Smuggling				
Cases Completed.....	1,119	1,078	1,078	1,100
Defendants Prosecuted.....	1,690	1,279	1,279	1,300
Cases Completed per workyear	3.2	3.2	3.2	3.2

1/Includes workload related to Violent Gang Task Forces beginning in 1992.

2/Includes incarcerated criminal aliens who will be released to INS after completion of their sentence.

3/Full impact of requested enhancement in employer sanctions resources will appear in 1996, at which time the

Program will be able to complete 10,000 lead-driven cases and issue 1,700 Notices of Intent to Fine.
 4/Decrease in fraud workload is related to the shift of resources to Violent Gang Task Forces.

The focus of the Investigations program reflects three basic enforcement priorities of the Immigration and Naturalization Service: enforcement of employer sanctions, removal of criminal aliens, and detection and deterrence of fraud and smuggling.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease				
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount			
Investigations.....	37	72	\$10,147	76	92	\$13,517	39	20	\$3,370

The Law Enforcement Support Center (LESC) began operation in July 1994 at Burlington, Vermont. Access will be limited to law enforcement agencies in Arizona. The resources which are being requested would expand access to all law enforcement agencies. On a 24-hour, seven-day-a-week basis, the LESC will have the automated capability to respond to agency queries on aliens suspected of aggravated felony offenses. The automated capability will be provided through direct access to Service's databases. The costs associated with preparing the INS corporate database for this expedited access are not known at this time. The costs will depend on the requirements which emerge from the LESC pilot. The resources requested in this program change will be used for the Center's permanent staff, software, and document imaging costs. The request also includes \$500,000 for a new site for the Center.

1995 Appropriation Anticipated

Item	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease			
	Pos.	MY	Pos.	MY	Pos.	MY	Pos.	MY		
Detention and Deportation.....	...	\$3,500	286	144	\$39,373	286	144	\$30,575

LONG-RANGE GOAL: To detain, until ready for removal, aliens subject to exclusion and deportation proceedings who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate.

MAJOR OBJECTIVES:

Promptly remove deportable and excludable aliens and avoid detention to the greatest extent possible. Ensure that adequate alien detention capability is available by staffing and maintaining nine Service Processing Centers (SPCs), and detaining aliens when necessary in non-INS facilities which meet INS standards. Allow other enforcement programs to operate effectively by quickly removing detained aliens.

BASE PROGRAM DESCRIPTION: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, exclusion, expulsion, removal, parole and deportation of aliens. Service and non-service (contract) facilities are used to detain, until ready for removal, those aliens subject to deportation or exclusion proceedings who are likely to abscond or whose freedom at large would clearly represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving a deportable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Detention and Deportation program are presented in the following table:

Item	1993 1>	1994		1995 Estimate		1996	
		Pos.	MY	Pos.	MY	Pos.	MY
Detention:							
Aliens detained (Total)...	72,764	74,479		77,429		110,537	
INS Facilities.....	31,153	31,510		31,510		40,787	
Non-Service Facilities.....	41,611	42,969		45,919		69,750	
Number of detention days...	1,694,323	1,784,471		1,788,621		2,359,221	
INS Facilities.....	720,289	759,828		759,828		982,478	
Non-Service Facilities.....	974,034	1,024,643		1,028,793		1,376,743	
Expulsions:							
Aliens expelled.....	1,286,487	1,073,228		1,082,078		1,146,008	
Voluntary departures under docket control.....	7,701	6,000		6,000		7,500	

Voluntary departures not under docket control...	1,232,119	1,022,976	1,022,976	1,022,976
Deportations effected....	42,666	40,000	48,850	111,280
Exclusions effected.....	4,001	4,252	4,252	4,252
Deportable aliens located, Percentage expelled....	80%	95%	95%	95%
Expelled aliens, Percentage detained.....	5.7%	5.6%	7.1%	10.3%
Recognition, Bond and Supervision:				
Aliens released on recognition.....	2,712	3,307	3,307	2,480
Aliens placed on bond....	65,345	96,012	96,102	72,009
Aliens placed under supervision.....	783	389	389	292

1> Prior to 1993, workload statistics funded by both the Salaries and Expenses appropriation and the Immigration User Fee account were combined.
 Note: Estimates include workload associated with the IHP and expedited asylum enhancements, that are part of the Violent Crime Reduction Trust Fund (VCRF).

During 1994, the Detention program operated nine SPC's: Boston, Varick Street, Aguadilla, Krome, Port Isabel, El Paso, El Centro, Florence and San Pedro. The combined capacity of these nine facilities is now 2,556 beds. INS utilized four private contract detention facilities, located in Denver, Laredo, Houston, and Seattle. These facilities provided an additional 775 bed spaces for INS. A standard statement of work for contract facilities has been developed and will be used for future contracts with private sector entities. INS also contracts with over 900 State and local prisons and jails for bed space to detain aliens.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
Detention and Deportation.....	\$8,798	286	144	\$39,373 286 144 \$30,575

In FY 1995, resources from the Violent Crime Reduction Trust Fund (VCRF) are being provided to INS as the first phase of an initiative devised to expedite the removal of criminal aliens. These resources will allow INS to identify and process for removal criminal aliens incarcerated in targeted state correctional institutions and in the Federal Bureau of Prisons system. The VCRF also provides immigration judges and Executive Office for Immigration Review (EOIR) support personnel to conduct hearings in correctional settings for those criminal aliens identified and processed. The INS investigative resources and the immigration judges will be recruited, hired, equipped and trained during FY 1995, and on board and fully functioning by FY 1996.

This initiative represents the logical and necessary follow-on of the President's FY 1995 Institutional Hearing Program (IHP) initiative. As a result of the IHP initiative, significant numbers of criminal alien removals will begin in FY 1996 and will reach maximum capacity by FY 1997. Two INS programs will be affected: the Detention

and Deportation program and the Legal Proceedings program. Following is an estimate of anticipated workload associated with the FY 1995 IHP initiative and a discussion of the resources necessary to handle this workload.

	FY 1994 Base	FY 1995 Estimate	Increase	FY 1996 Estimate	FY 1997 Estimate
Total IHP Removals	6,000	12,900	10,500	23,400	35,600
Mexican	3,700	8,200	6,100	14,300	21,700
OTH	2,300	4,700	4,400	9,100	13,900
Non-Service Mandays	4,150	8,800	7,450	16,250	24,750

INS investigative personnel will be assigned to targeted prison intake facilities to identify criminal aliens at the beginning of their sentences. Charging documents will be prepared, served, and filed with EOIR early during the criminal aliens' sentences, ensuring that the hearing process is completed well before sentence expiration. Criminal aliens with short-term sentences who are processed and heard in FY 1995 will begin to approach their release dates in FY 1996. The resources requested for this initiative are a logical extension of the FY 1995 initiative. This request is included in the 1996 VCMF authorization for the deportation of criminal aliens. It is the Detention and Deportation program which tracks the cases through the IHP; updates the necessary data bases; obtains required travel documents; makes the necessary travel arrangements including notification of foreign governments; executes warrants of deportation; and physically removes the criminal alien from the country.

At the base level of resources, the Detention and Deportation program will remove an estimated 6,000 criminal aliens annually who completed their immigration proceedings in an IHP. These numbers are based on field surveys. The Deportable Alien Control System (DACS) has only recently been modified to accept additional IHP data elements and to provide regular management reports on the IHP. Monthly reports will be monitored closely to ensure that field locations are creating and updating DACS records for IHP cases in a timely manner. When the resources are in place and fully functioning in FY 1997, an estimated 35,600 criminal alien removals resulting from the IHP will be effected annually.

For approximately half of the removals, a brief (one-two night) stay in non-Service detention will be required. Some Mexican nationals being bused from non-border areas to the Southern Border will be staged to await scheduled transportation. Others may require a one-night layover enroute. Removal of OTHs is dependent upon flight availability. Half of the OTHs removed under this initiative will require a brief stay in non-Service detention pending the availability of flights which minimize the need for officer escorts and/or "meets and greets" by other INS domestic and foreign offices.

An estimated 20 percent of the OTH removals will require INS officer escorts. FAA regulations state that potentially dangerous or disruptive prisoners require two escorting officers. Additionally, if direct flights to the destination country cannot be arranged, INS must either escort the deportees to his last departure point or make arrangements to have him met and placed on the correct flight. INS attempts to minimize the use of overseas escorts to the extent possible, but these removals all involve criminal aliens (many of whom are escape risks because they are facing criminal charges in their home country). Public's safety is a primary consideration.

Additions to the transportation fleet are required to ensure the availability of properly equipped detention vans for the transportation of criminal aliens from prisons either directly to international airports or to non-Service detention for brief overnight stays pending removal. A combination of interurban and school buses is also requested to improve the network of scheduled transportation from interior prison locations to border areas. These transportation routes will be used for the movement of Mexican criminal aliens to the border area for removal, and for the movement of groups of Central and South American nationals from interior locations to border states for appearances at foreign consulates and ultimately to international airports for more direct and economical flights.

Activity: Citizenship and Benefits

	1995 Appropriation Anticipated		1996 Base		1996 Estimate		Increase/Decrease		
	Perm. FOL	NY Amount	Perm. FOL	NY Amount	Perm. FOL	NY Amount	Perm. FOL	NY Amount	
International Affairs and Outreach.....	388	388	\$21,028	388	388	\$32,242	388	\$32,242	...

... ..

This budget activity includes resources for the payment of specific expenses necessary for the processing of claims for asylum.

LONG-RANGE GOAL: To approve qualified applicants for asylum under the provisions of the Immigration and Nationality Act (INA) and all other pertinent statutes.

MAJOR OBJECTIVES:

Promptly and consistently adjudicate asylum claims from aliens who are not in exclusion or deportation proceedings.

Provide planning, coordination, review, and evaluation of the Service's asylum program.

BASE PROGRAM DESCRIPTION:

The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Instead, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations published in June 1980 remained in effect until superseded by new asylum regulations published as a final rule and effective October 1, 1990.

In 1993, the Department of Justice (DOJ) completed a study of the asylum system and convened a working group comprised of staff from several INS and DOJ divisions, the Executive Office for Immigration Review (EOIR), and members of non-governmental organizations to discuss reform of the asylum processing system. Streamlining procedures to increase productivity and the elimination of frivolous or abusive claims were two primary goals of the reform process. The working group identified several major changes which were then implemented by making procedural and policy revisions and regulatory revisions. A final rule which contains all of the asylum reform changes was published in November 1994 and became effective in December 1994. The revised procedures streamline the process so that asylum applicants who are interviewed receive final decisions on their claims within 180 days of the filing of their applications.

The Resource Information Center (RIC) is a major component of the Asylum Program. Its mission is to provide

asylum officers and refugee adjudicators with credible perspectives on human rights conditions in refugee-producing countries. Several information products (both electronic and printed) are developed each year. Research covers the top twenty refugee-producing countries of interest to the U.S. Progress has been made in updating the electronic databases which provide rapid access to thousands of pages of information. Information is disseminated to asylum officers, refugee adjudicators and other immigration officers for use in decision making.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the International Affairs and Outreach program are presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
Asylum adjudications:				
Pending beginning.....	233,709	333,647	427,096	485,960
Received.....	144,166	147,605	166,564	175,000
Completed.....	144,226	54,096	107,500	150,000
Pending end.....	333,647	427,096	485,960	460,960

Asylum Program:

With the implementation of the new regulations, all affirmative asylum claims are reviewed by members of the Asylum Officer Corps. The eight Asylum Offices are centrally managed from INS Headquarters to ensure consistency and quality of decision making. Timely review, and consistent application of standards. The role of Asylum Officers has been modified with the reform and streamlining of the asylum processing. The Asylum Officers conduct a non-adversarial interview and, upon completion of their review, grant asylum or refer the case to the immigration judges of the EOIR.

Resource Information Center:

The RIC library undergoes constant expansion with the addition of materials on in-country conditions and other reference materials. The library is now receiving over 110 serial publications which have expanded human rights reference materials. Reference books, equivalent, microfiche and CD-ROM materials are added as information tools. The RIC also has access to on-line information services. Progress has been made with sharing of electronic information with the Canadian Documentation Center and the Center for Documentation on Refugees (U.N. High Commissioner on Refugees) in Geneva, Switzerland. Using standardized formats, RIC-produced materials are shared with the Canadian government and the UNHCR.

Activity: Immigration Support

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease		
	Perm.	MY	Perm.	MY	Perm.	MY	Perm.	MY	
Communications....	5	3	\$157,793	5	\$124,679	5	\$161,481	...	\$36,802
Legal Proceedings....	96	96	7,186	96	8,346	142	119	46	23
Total.....	101	101	164,979	101	133,025	147	124	46	23

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease		
	Perm.	MY	Perm.	MY	Perm.	MY	Perm.	MY	
Data and Communica-									
tions.....	5	3	\$157,793	5	\$124,679	5	\$161,481	...	\$36,802

LONG-RANGE GOAL: To improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic Plan for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's information needs; provide radio and electronic equipment and systems to support INS's law enforcement functions; promote the electronic sharing of information with other Federal agencies to reduce the paperwork burden, to both the public and INS; and provide technological guidance in support of all INS operations.

MAJOR OBJECTIVES:

Improve the quality, reliability, interoperability, maintenance, and accessibility of existing information systems.

Install, operate and maintain INS's major mission and management oriented systems throughout the Service.

Ensure the cost effectiveness of new systems through the use of contemporary techniques for quantifying and justifying ADP systems and databases.

Improve the efficiency and effectiveness of voice and data communications throughout the Service.

Provide office automation support for word processing, local tracking, analysis and electronic mail.

Provide a consistent and integrated technology infrastructure to all INS field offices.

Provide automated intrusion detection capabilities at Border Patrol sectors consisting of a variety of sensor and imaging equipment with centralized monitoring at the sector for dispatch and reporting purposes.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities.

Improve the capability of INS to detect and apprehend illegal entrants and alien and drug smugglers and provide technological guidance in support of all INS operations.

Research, develop, evaluate and apply surveillance, identification, advanced/satellite communications, security/safety technologies and systems to more effectively support the operating programs in detecting illegal alien and related drug intrusions on the border, as well as the interior of the United States with emphasis on effectiveness, reliability, and efficiency.

Provide scientific and technological coordination and support to the Office of National Drug Control Policy.

Provide liaison with Federal, industrial, and university research and development communities to stimulate, utilize, and integrate technical work relevant to high priority interests of INS.

Basic Program Description: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: 1) improving the effectiveness and efficiency of Service functions through the use of computer resources for information processing; 2) providing for the operation of data and communications networks; 3) providing radio communications, telephone call handling, intrusion detection (sensors), and electronic security equipment and systems; and 4) researching problems of the Service to develop new or adopt existing technologies for their potential effectiveness within INS.

ACCOMPLISHMENTS AND WORKLOAD: The Data and Communications program workload is best expressed in narrative form. Accomplishments include the following:

Information Technology Partnership (ITP) Contract Awarded: The Office of Information Resources Management (OIRM) awarded a major ITR technical support services contract which will allow for the development and deployment of critical law enforcement, benefits and financial management systems as well as the service-wide deployment of a basic office automation infrastructure.

IRM Strategic and Tactical Planning: The IRM Strategic and Tactical Planning operation has become a key business process reengineering initiative for the Service in FY 1995. The operation is being redesigned in a partnering arrangement with its internal and Departmental oversight customers. The focus of the reengineering effort is the development of a process that will produce strategic and tactical planning products that will guide the allocation of resources according to the Service's strategic business profile. Significant accomplishments in FY 1995 include the integration of the IRM planning and budget cycles and the development of life-cycle funding profiles for each major IRM automation initiative. In addition, activities are underway to complete an update of the IRM Strategic Plan and produce an executive-level guide of the Plan for external distribution; create IRM policy and standards development guidelines; complete a policy and standards baseline

study; and, create an IBM policy and standards technical library. Key to these activities is also the development of a central repository of IBM policy and standards information. Plans into FY 1996 include: completing the development of the centralized policy and planning data repository; further refining the Service's Information Systems Architecture (ISA) documentation; and fully implementing a Systems Planning Portfolio Manager's Program to promote the proactive analysis of INS operational workloads and ensure that planned automation initiatives are in direct support of the Service's strategic goals and direction.

Computer and Telecommunications Security (CSTS) Program. The Computer and Telecommunications Security (CSTS) Program was formally established in FY 1994 with the designation of a full-time Computer Security Program Manager and an operational budget to implement a security operating baseline that will protect from waste, fraud, and abuse, and ensure the integrity, availability and confidentiality of INS automation resources and data. During FY 1994, Computer System Security Officers (CSSOs) were identified and trained in computer and telecommunications security fundamentals. Security guidance documents were developed on such subjects as: sensitive system identification, sensitive system security planning and ADP contingency planning. Risk analyses were completed for 10 mainframe applications, and ADP position sensitivity levels were determined for all IBM ADP contract support personnel.

Other notable achievements included: the testing of INS's mainframe contingency plan for operations at the Justice-Data Center in Dallas (JDC-D); the development and servicewide distribution of a computer security awareness training toolkit; and the training of over 120 personnel in risk analysis, contingency planning and local area network security practices and principles. In FY 1995, INS will continue developing its computer security program through continued activities in policy and procedural guidance development and providing computer security training with an emphasis on setting up effective field programs. INS also plans to complete the mainframe risk analyses; certify its mainframe operations in Dallas; complete security assessments for INS District Offices overseas; develop mainframe and network audit strategy documents; and develop materials to launch a computer anti-fraud and abuse campaign. During FY 1996, the CSTS Program will focus on providing CSSOs with more advanced tools to support their computer security management function. More specifically, INS plans to complete the development, deployment and training of CSSOs in a computer security accreditation management tool.

Office Automation Infrastructure. In pursuit of a comprehensive office automation infrastructure, the Service identified a standard office automation platform and awarded its largest ever acquisition contract to support its deployment servicewide. The goal of this initiative is to provide the INS workforce with the basic office automation capabilities to effectively and efficiently communicate initiatives, share data, and produce professional products that support customers' needs. In FY 1995, a site implementation list was developed and site surveys began on the Southwest Border and at key high-volume locations throughout the U.S. The Service expects that by the end of FY 1995, it will have completed infrastructure installation at 103 sites (17 percent of INS sites), providing service to 45 percent of the agency's workforce. In FY 1996, the infrastructure will be installed and/or initiated at 205 sites (33 percent of INS sites), thus bringing this service to a total of 88 percent of the INS workforce.

Control Admissions at Ports of Entry. The Interagency Border Inspection System (IBIS) and the INS Passenger Accelerated Services System (INSPASS) are designed to enhance INS's inspection function. IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border

ports-of-entry. Plans include: installing replacement equipment at several large IBIS sites which were installed during the early years of the program, expand IBIS to additional ports, and test a new system imaging capability. INSPASS is a proof-of-concept prototype for "low risk" frequent travelers using automated inspection kiosks. The INSPASS prototype has been installed at all five international terminals of JFK International Airport, Newark International Airport, and the Pearson International Airport in Toronto. INS will continue development and enhancement work on INSPASS in concert with an expansion of the pilot to five sites in FY 1995 and 11 more sites in FY 1996.

Biometric Identification Systems. IDENT is INS's fingerprint-based identification subsystem that will be used by Service law enforcement and benefits systems to assist in the positive identification of persons who are arrested as well as those who apply for benefits, including the identification of travelers referred to secondary inspection processing and for automated inspection. IDENT will serve as the front end to a central INS fingerprint repository. The system currently being prototyped in the San Diego Border Patrol Sector has measured recidivism for the 30-day period (ending January 16, 1995) at 33 percent. During FY 1996 INS will begin service-wide implementation of IDENT, establishing the central site and approximately 234 remote sites, each outfitted with Automated Booking Stations (ABS).

Enforcement Case Tracking System (ENFORCE). INS is prototyping the Enforcement Case Tracking System (ENFORCE), an incident-based case management system that provides automated tools to capture and manipulate data and images. ENFORCE replaces the paper-based, form-oriented processes currently in use in the Border Patrol, Detention and Deportation, and Intelligence and Investigations programs. The ENFORCE Phase I prototype has been pilot tested in two of the largest Border Patrol sectors and additional sites are being configured for pilot implementation as well. Preliminary results show paperwork processing time for administrative cases has been reduced from 2.8 hours to 20-30 minutes and the processing of a felony smuggling case has been reduced by 33 percent. This reduction in paperwork time is resulting in an increase in the number of agent hours spent performing front-line enforcement activities. This initiative is in direct support of the Service's Southwest Border Strategy and the criminal alien Institutional Hearing Program. During FY 1995, INS will deploy the ENFORCE Phase I in four additional sites along the Southwest border, prototype the Central Repository database and evaluate its functionality. During FY 1996, INS will finalize development of ENFORCE including numerous interfaces to Inter-INS and external databases and will continue to install ENFORCE in field offices.

Electronic Support for Border Control. INS has three major automation projects with respect to electronic support for border control. These projects are: the Encrypted Voice Radio Program (EVRP), the Computer Assisted Detection and Reporting Enhancement/Intelligent Computer Assisted Detection (CADRE/ICAD) Program, and the Night Vision Equipment Program. Initiatives under the EVRP include acquiring 1,000 mobile and 1,800 portable radios for improved secure voice communications and agent safety in the field. Equipment has already been acquired for the Laredo and Del Rio Border Patrol Sectors and procurement activities have been initiated for the remaining Southwest border locations.

The CADRE/ICAD Program is an automated remote sensor system that accepts input from in-ground sensor devices along the Nation's unmanned borders and facilitates border intrusion detection and the dispatching of agents. The single-user version of CADRE have been installed in the Swanton, Holton, Marfa, and San Diego Sectors. The new multi-user version has been installed in the San Diego Sector and tested at Swanton, VT. The deployment and maintenance of night vision equipment has provided agents in the field with an additional safety factor and has enhanced job performance.

Alien Verification System. The Verification Information Systems (VIS) Initiative will support the confirmation of an alien's immigration status, eligibility for certain entitlement benefits, and authorization to work. During FY 1995, INS established a joint INS and Social Security Administration Working Group to explore alternatives for establishing a "national registry" for alien status verification and has pursued development of functional requirements for a secure, state-of-the-art, fraud-resistant Employee Authorization Document (EAD). INS plans to have its centralized EAD production capability at full-capacity in FY 1996. The Service is also working with the Department of State to conduct a Visa pilot program.

Corporate Database. The INS is completing plans for the enhancement of INS corporate data assets by re-engineering existing data repository systems to streamline access to alien information. This initiative will ensure that data collected is correct and will follow the same naming and attribute standards across all systems requiring use of the data. An interface refinement for existing INS index systems has been completed. INS plans to develop and deploy a Common User Interface that provides a front end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. Plans are also underway to test the kiosk concept for forms distribution.

Financial and Administrative Systems. The INS Financial and Administrative Management Systems Initiative includes the development, implementation, and maintenance of financial and administrative applications providing decision support information on INS workload, manpower and financial resources. INS received approval to pursue this initiative in June 1994. Since that time, the Service has improved its financial and administrative services systems by: implementing an acquisitions management system to streamline the procurement process; developing an ADP equipment inventory system to maintain property accountability and to facilitate the acquisition of cost-effective maintenance services; completing development of a debt-collection module in pursuit of establishing a comprehensive debt management system; initiating development of a personnel-action tracking system to reduce the paper-intensive and manual nature of personnel action; and modernizing the vehicle fleet record-keeping system to streamline maintenance and accounting activities. During FY 1995, INS will continue reviewing current systems, complete a requirements analysis, and select a vendor to install, operate and maintain the core financial and administrative system. During FY 1996, INS will implement the core system, commence data conversion efforts, create interfaces, and continue system configuration efforts.

INS International Network Communications (INSINCL). INSINCL is the Service's data communications network that provides telecommunications services to INS operational facilities worldwide. There is an on-going effort to upgrade facilities and prepare for the implementation of new technologies and protocols as necessary to support ADP requirements. In FY 1994, INS began establishing an initial operating capability at INS Headquarters, Regional Offices, the four Service Centers, and several field offices for the internetworking of their Local Area Networks using router technology. This direction is based on requirements of new distributed systems using client-server and imaging technologies to transport large amounts of data among INS offices.

INSINCL contingency plans were also developed and talks continue with U.S. Sprint for improved incident detection and recovery response time. During FY 1995, INS will complete its migration from the BSC protocol and, where appropriate, continue to transition existing sites to Switched Digital Integrated Service (SDIS) and upgrade the data communications staff's INSINCL network access and diagnostic capabilities. During FY 1996, the Service will continue its migration to router and other communications technologies as the new infrastructure is deployed. The expansion of the foreign office network will continue at a rate of seven offices per year. In addition, as a follow-on to the successful FY 1994 pilot test of video teleconferencing technology for conducting deportation hearings, the Service will pursue a contract to provide video integration services for

the future expansion of this and other anticipated video teleconferencing initiatives. It is also expected that the application of video technology for deportation hearings will continue and be expanded to other operational areas such as the examinations and asylum operations.

PROGRAM CHANGES:

	1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Data and Communications...	5	5	\$124,679	5	5	\$161,481	...	...	\$36,802

Enhancements which will be funded in the Border Control Initiative in 1995 will result in a major increase in the automation of INS enforcement operations. The resources will be allocated to develop and deploy major expansions of systems used to process entrants at ports-of-entry as well as aliens apprehended between entry points, to enhance access to INS corporate database, and to modernize the agency's infrastructure.

The resource level appropriated in 1995 for automation in the Border Control Initiative, \$126.5 million, is \$44.1 million below the level originally requested. While the appropriated level will allow INS to undertake many of the systems development and deployment projects originally planned in the Initiative, there are a number of efforts which cannot be executed as planned. The development and deployment of Enforcement Case Tracking (ENFORCE) will be fully funded to support the automation of Border Patrol operations and the redeployment of agents to enforcement duties on the line. However, other elements in the 1995 automation initiative have been scaled back. In order to meet the goals set for automation through 1999, resources are requested for automation efforts which were cut or postponed as a result of the 1995 appropriation level.

Control Illegal Entry at Ports-of-Entry

Interagency Information Sharing with the Department of State - The amount budgeted for the INS-DOS information sharing program was reduced from \$10 million to \$6 million. At the reduced level the Service expects to continue the development of software links and to deploy the system to ten major overseas sites. Completion of software development in 1995 is important in that it will eventually yield savings in the area of data entry which will, in turn, allow the deployment of information sharing capabilities to additional sites. The 1996 request includes \$4 million from the VCRTP (above the \$1 million base in the 1996 authorization) for continued deployment of the software links to additional overseas sites.

INS/PASS/IBIS/Infrastructure Improvements - The 1995 request included \$20 million for these activities. This was reduced to \$5 million as a result of final action on the Crime Fund appropriation. It will allow the Service to deploy and upgrade IBIS equipment at only 25 percent of the sites originally planned for 1995. The 1996 request includes \$8 million from the VCRTP (above the \$7 million base in the 1996 authorization) for the sites cut in 1995, allowing this part of the initiative to remain on schedule. At the reduced funding level, infrastructure improvements in 1995 are scaled back from \$9 million to \$2 million. The request includes \$7 million from the VCRTP (above \$5 million base in the 1996 authorization) for infrastructure improvements and the replacement of old and obsolete equipment.

Prevention/Information Management

This part of the initiative provides resources to create a telecommunications backbone to provide timely access to INS information throughout the agency, linking data captured by various INS components so that the information can be used to develop patterns, trends, and case studies to enhance enforcement efforts. The funding level approved for 1995 reduces funding for these activities from \$83.6 million to \$58.5 million. The 1996 request includes \$17.8 million to restore resources to the level to keep this component of the initiative on schedule.

Infrastructure improvements and the replacement of equipment will receive \$8.702 million in the VCRTP. (The 1996 VCRTP authorization contains a base of \$32 million for infrastructure improvements.)

The enhancement of the corporate database includes developing the information access capabilities necessary to continue to implement agency-wide information sharing, imaging technology, and electronic file transfer. These activities can be partially funded at the 1995 resource level which was lowered from \$21 million to \$11.9 million. The 1996 request includes \$9.1 million from the VCRTP to continue these activities (above the \$6 million base in the 1996 authorization) for database development and equipment.

1995 Appropriation		1995 Base		1996 Estimate		Increase/Decrease	
Anticipated							
Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Foal.		Foal.		Foal.		Foal.	
96	\$7,186	96	\$8,346	142	\$10,887	46	\$2,541
<p>Legal Proceedings...</p> <p>LONG-RANGE GOAL: To provide legal representation for the U.S. Government in all cases and matters arising before Immigration Judges, the Board of Immigration Appeals, Administrative Law Judges, and the Office of the Chief Administrative Hearing Officer; to represent INS in all other contested administrative hearings in which the agency is involved; to provide legal advice and support to INS operating personnel; to represent INS in cases tried in federal courts; and to consult, train, and provide legal support for interagency efforts in combating the threat posed by alien criminals.</p> <p>MAJOR OBJECTIVES: To represent the Service before administrative bodies and federal courts in deportation, exclusion, rescission, and bond issues, as well as in employer sanctions and civil document fraud matters. To provide litigation and consultation support to interagency task force operations to effect the expeditious deportation of criminal aliens.</p> <p>To provide litigation assistance in Federal and local drug and organized crime task forces.</p> <p>To provide litigation support in developing removal strategies for criminal aliens to effect their expeditious exclusion and/or deportation from the United States.</p> <p>To provide training for Service personnel in immigration law and procedure.</p> <p>To furnish legal counsel and training in immigration law for enforcement officers of state, local, and other Federal agencies for identification and expeditious processing of alien drug traffickers and criminals.</p> <p>BASE PROGRAM DESCRIPTION: INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and boards of contract appeals. The Legal Proceedings program provides litigation support in agency litigation conducted in U.S. District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Commissioner, Regional Administrators, District Directors, and Border Patrol Sector Chiefs on legal matters arising at all levels of agency operations. The attorneys also assist interagency task forces in developing cases and removal strategies for criminal aliens.</p>							

ACCOMPLISHMENTS AND WORKLOAD:

Item	1993	1994	1995	Estimate 1996
Non-Sanctions Workload:				
Trial Attorney Appearances	138,231	160,782	160,800	185,000
Cases Prepared.....	209,648	213,686	213,700	245,800
Preparation of Legal Briefs and Memoranda.....	29,274	28,011	28,000	32,200
Legal Consultations.....	123,491	109,849	109,900	126,400
Administrative Law Judge				
ALJ Cases:				
Received.....	348	300	300	400
Completed.....	373	413	415	550
ALJ Appearances Completed..	191	171	170	230
Other ALJ Matters Completed	2,010	1,501	1,500	2,000
Civil Document Fraud:				
Notices of Intent to Fine:				
Received.....	139	251	250	330
Completed.....	108	183	190	250
Consultations and Legal Advice Completed.....	884	1,439	1,440	1,920
Legal Opinions and Memoranda	181	352	350	470
Training Completed.....	148	60	60	80
ALJ Cases:				
Received.....	38	190	190	250
Completed.....	19	94	95	130
ALJ Appearances Completed..	4	16	20	30
Other ALJ Matters Completed.	42	293	390	65

Other accomplishments include the following:

Refugee and Asylum Law Program: The services performed by the Refugee and Asylum Law Program include:

Direction and supervision of the Asylum Pre-Screening (APSO) program. This program provides humanitarian parole from detention for persons who are in exclusion or deportation proceedings but who appear to be genuine asylum seekers, while simultaneously freeing scarce detention space for cases in which detention is more appropriate. The success of this program has led to its use as a model for certain features of various asylum reform bills now pending before the Congress.

Provision of formal legal opinions or other legal advice to Service components on issues arising in connection with the Service's asylum and refugee programs.

Drafting and review of regulations, legislative proposals, and management initiatives concerning asylum and refugee processing.

Participation in the training of Asylum Officers and Refugee Officers.

Enforcement Program: The Legal Proceedings program continues to emphasize litigation strategies and removal of criminal aliens. Particular emphasis is given to cases involving aliens convicted of aggravated felonies and aliens involved in terrorist activities. Expedited exclusion and deportation of these aliens requires more intensive legal review because of the complexity and number of potential exclusion and deportation charges.

INS attorneys are stationed in all district offices to coordinate and help assure the effectiveness of the criminal alien program. An essential element in that effort is the Institutional Hearing Program (IHP). In coordination with the Investigations and Detention and Deportation programs and the Executive Office for Immigration Review, as well as Federal and state correctional authorities, the Service currently has 75 IHP's in operation in seven Federal, two county, and 66 state correctional facilities. Convicted criminal aliens receive their immigration hearings while incarcerated for the criminal violations, thereby permitting their immediate removal upon release.

The Legal Proceedings program supports litigation in Federal courts relating to criminal aliens. This includes assistance to U.S. Attorneys in prosecutions relating to criminal immigration violations and litigation support in responding to petitions filed by incarcerated aliens. INS attorneys continue to encourage criminal prosecutors to make "stipulated deportation" a part of criminal plea agreements.

PROGRAM CHANGES:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MX Amount	Perm. Pos.	MX Amount	Perm. Pos.	MX Amount
Legal Proceedings.....	96	\$6,346	142	\$10,887	46	\$2,541

In FY 1996, the Office of the General Counsel is requesting an enhancement of 46 positions (31 attorney and 15 support), 23 workyears and \$2,541,000 to assist the various Service components in expediting the deportation and removal of criminal aliens and provide representation for the government in deportation and exclusion hearings conducted by the Executive Office for Immigration Review. This request is included in the 1996 authorization for this initiative in the trust fund.

Trial attorneys are responsible for reviewing charging documents for legal sufficiency, preparing for hearings before immigration judges (IJ), representing the Service, conducting trials, preparing appellate briefs, and providing on-site legal advice to detention, investigations and other INS components. Trial attorneys conduct IJ hearings at numerous state and Federal penal institutions (IHP hearings) pursuant to section 242A(a) of the Immigration and Nationality Act, and before the immigration court at most district office locations. Their support staff assist in obtaining, processing, and preparing files for deportation, exclusion, bond, and rescission hearings and process files upon the conclusion of IJ hearings, while performing other office duties.

Immigration and Naturalization Service
Visiting Crime Prevention Trust Fund
Financial Analysis - Program Charges
(Dollars in thousands)

Item	Border Enforcement & Management - DHS & Comm.		Worksite Enforcement - Investigations		Detention & Deport Pos. Amount		Detention & Removal Legal Proceed.		Subsistence Detention & Removal		Asylum Reform Detention & Deport		TOTAL	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
01-14	1	662	16	998	31	81,934	47	82,932	48	82,994	48	82,994	48	82,994
03-12	3	133	2	61	6	164	8	245	3	133	3	133	3	133
03-9	7	214	134	3,353	6	225	143	3,578	15	459	15	459	15	459
03-7	4	100	59	1,329	...	...	98	1,329	147	3,678	147	3,678	147	3,678
03-6	20	450	75	1,515	...	...	75	1,515	75	1,515	75	1,515	75	1,515
03-5	4	81	...	...	...	...	...	...	...	...	...	...	...	...
Total positions and annual rate	39	1,040	286	7,346	46	2,343	332	8,599	271	10,639	271	10,639	271	10,639
Travel (1)	(19)	(320)	(142)	(3,272)	(23)	(1,207)	(165)	(4,528)	(144)	(3,049)	(144)	(3,049)	(144)	(3,049)
Other Personnel Compensation	4	178	...	787	...	...	...	787	4	178	4	178	4	178
Special personal services	...	30	...	...	...	...	...	...	...	30	...	...	...	30
Total work years and personnel	24	725	144	4,781	23	1,066	187	8,987	181	6,992	181	6,992	181	6,992
Compensation	...	322	1,231	337	...	...	...	1,568	...	...	...	...	...	...
Personnel benefits	...	26	364	56	...	...	...	420	...	...	...	...	...	...
Travel and transportation of persons	...	286	1,299	209	...	...	...	1,808	...	...	...	...	...	...
GSA rent	...	15	86	14	...	...	...	110	...	...	...	...	...	...
Comm. utilities, and misc charges	...	1,432	2,071	110	...	...	...	2,187	...	...	...	...	...	...
Other services	...	33	587	75	...	...	...	666	...	...	...	...	...	...
Supplies and materials	...	505	1,952	84	...	...	...	2,237	...	...	...	...	...	...
Equipment	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total program work years and obligations	24	3,370	144	12,022	23	2,841	187	14,583	181	9,900	181	9,900	181	9,900
Changes requested, 1996

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Detail of Permanent Positions by Category
Fiscal Years 1995 – 1996

Category	1995 Authorized	1996		
		Base	Change	Total
Attorneys (905).....	64	64	31	95
Asylum Officer (930).....	223	223	...	223
Paralegal Specialist (950).....	12	12	6	18
Other Legal and Kindred(900 – 999).....	20	20	9	29
General Enforcement & Support (1800 – 1899).....	33	33	83	116
Detention and Deportation Officer (1801).....	...	...	75	75
Detention Enforcement Officer (1802).....	...	...	134	134
Criminal Investigators (1811).....	30	30	11	41
Border Patrol Agents (1896).....	700	700	...	700
Engineering and Architecture (800 – 899).....	15	15	...	15
General Administrative and Clerical (300 – 399).....	210	210	6	216
Education Group (1700 – 1799).....	5	5	...	5
Supply Group (2000 – 2099).....	4	4	...	4
Transportation (2100 – 2199).....	...	...	16	16
Other (WG).....	20	20	...	20
Total.....	1,336	1,336	371	1,707
Washington.....	...	...	...	...
U.S. Field.....	1,336	1,336	371	1,707
Total.....	1,336	1,336	371	1,707

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Summary of Change
(Dollars in thousands)

	Perm. Pos.	Work – years	Amount
1995 As Enacted.....	1,336	866	\$255,200
Adjustments to base:			
Transfers:			
From S&E for Border Patrol Equipment and Asylum Detention.....	...	...	10,700
Mandatory Increases:			
\$80 Buyout Payment to OPM.....	...	...	75
General Pricing Level Adjustments.....	...	...	278
Annualization of 1995 Positions.....	...	505	46,742
Technical Adjustments.....	...	...	2,030
Total Mandatory Increases.....	...	505	49,125
Decreases:			
Non – recurring costs of 1995 Positions.....	...	...	– 52,815
1996 Base.....	1,336	1,371	262,210
Program Changes.....	371	187	73,288
1996 Request.....	1,707	1,558	335,498

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Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Justification of Adjustments to the Base
(Dollars in thousands)

	Perm. Pos.	Work- Year	Amount
--	---------------	---------------	--------

Adjustments to Base:

Transfers:

Transfer from INS S&E account: Border Patrol Equipment and Asylum Detention.....	\$10,700
--	-----	-----	----------

Mandatory Increases:

Annualization of 1,336 additional positions approved in 1995.....	...	505	48,772
---	-----	-----	--------

This provides for the annualization of 1,336 additional positions approved in the 1995 Appropriations Act for the Violent Crime Reduction Trust Fund.

	Approved 1995 Increases	Annualization Required
Annual salary rate of approved positions.....	\$47,552	\$22,585
Other personnel compensation.....	4,173	6,257
Lease Lapse.....	24,662	---
Net Compensation.....	27,056	28,842
Associated employee benefits.....	8,886	10,566
Other (non-personnel)		
Travel.....	6,263	4,088
Transportation of things.....	...	29
GSA Rent.....	9,285	1,096
Communications/Utilities.....	761	458
Printing/Reproduction.....	39	7
Other Services.....	53,570	3,376
Supplies/Materials.....	4,973	310
Equipment.....	114,367	---
Total costs subject to annualization	255,200	48,772

\$80 Buyout Payment to OPH.....

For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$75,000 provides for this contribution.

General pricing level adjustments.....

This request applies OMB pricing guidance as of June 6, 1994, to selected

	75
	278

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expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject clauses where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.		
Total Mandatory Increases.....	...	505 59,825
Decreases:		
Nonrecurring costs of new positions anticipated in 1995.....	...	... -52,815
Nonrecurring costs are associated with positions approved in the 1995 budget request for the following programs: Border Patrol, Investigations, International Affairs, Data and Communications, and Legal proceedings. These include nonrecurring costs for full-field investigations, personal equipment.		
Total decreases.....	...	... -52,815
Total, adjustments to the base.....	...	505 7,010

Immigration and Naturalization Service
Violent Crime Reduction Trust Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual			1995 Appropriation Anticipated			1996 Request			Increase/Decrease	
	Positions & Workyears	Amount		Positions & Workyears	Amount		Positions & Workyears	Amount		Positions & Workyears	Amount
GS-14, \$60,925 - \$79,200	64	...	...	112	...	...	48	...
GS-13, \$51,537 - \$67,021	34	...	...	34	...	...	...	...
GS-12, \$43,356 - \$56,362	293	...	...	293	...	...	3	...
GS-11, \$36,174 - \$47,025	35	...	...	35	...	...	...	...
GS-9, \$29,898 - \$38,869	712	...	...	727	...	...	15	...
GS-7, \$24,441 - \$31,770	65	...	...	212	...	...	147	...
GS-6, \$21,995 - \$28,592	6	...	...	87	...	...	79	...
GS-5, \$19,732 - \$25,656	100	...	...	179	...	...	79	...
GS-4, \$17,637 - \$22,925	6	...	...	6	...	...	...	...
Wage Grade	20	...	...	20	...	...	...	...
Total positions	1,336	\$35,306	...	1,707	\$55,633	...	371	\$20,328
Lapses	(470)	(12,425)	...	(149)	(6,049)	...	321	7,376
Net full-time permanent	866	22,883	...	1,558	50,784	...	692	27,901
Other personnel compensation:
Overtime	90	4,173	...	250	11,402	...	160	7,229
Special personal services payments	30	...
Total, workyears and personnel compensation	956	27,056	...	1,608	62,216	...	652	35,160

Immigration and Naturalization Service
Violent Crime Recidivism Trust Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11 1 Full-time permanent	866	\$22,083	1,556	\$50,784	692	\$27,901
11 5 Other personnel compensation	90	4,173	250	11,402	160	7,229
11 8 Special personnel services payments	30	...	30
Total workyears and personnel compensation	956	27,056	1,806	62,216	852	35,180
12 1 Personnel benefits	8,886	...	21,293	...	12,407
21 0 Travel	6,263	...	9,752	...	3,489
22 0 Transportation of things	406	...	406
23 1 GSA rent	9,265	...	10,421	...	1,156
23 3 Communications, utilities	761	...	1,360	...	599
24 0 Printing & Reproduction	39	...	48	...	9
25 0 Other services	53,570	...	76,962	...	23,392
26 0 Supplies and materials	4,973	...	8,973	...	4,000
31 0 Equipment	144,367	...	144,067	...	(300)
Total obligations	956	255,200	1,806	335,498	852	80,298
Relation of obligations to outlays:								
Obligations	255,200	...	335,498	...	80,298
Outlays	173,240	...	272,723	...	99,483

Department of Justice
Immigration and Naturalization Service
Immigration Legalization
Estimates for Fiscal Year 1996
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Immigration and Naturalization Service

Immigration Legalization

Summary Statement

Fiscal Year 1996

The Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603, Title II, Sections 201-204, established a legalization program that provided temporary resident status to aliens who entered the U.S. illegally or lapsed into illegal status prior to January 1, 1982, resided continuously in the U.S. since then, and are not excludable. The legislation also provided for adjustment to permanent resident status after 18 months of temporary status upon showing general admissibility and basic citizenship skills. Section 202 further provided for adjustment to permanent resident status of certain Cubans and Haitians who entered the U.S. prior to January 1, 1982. The Immigration Act of 1990 provided a one-year extension of the deadline for filing applications for adjustment from temporary to permanent resident status.

The processing of the majority of applications for permanent resident status was completed in 1991. The remainder will be completed by the end of 1995. The processing of appeals of denials will continue through 1996. The request will allow the Service to complete processing of the small number of applications for permanent resident status and to shift additional resources to processing of appeals. Sufficient carryover resources will exist to fund the ongoing costs of this level of activity. All of the Legalization Offices have been closed except for the Los Angeles and Manhattan offices. The Legalization Regional Processing Facilities have been merged into the INS Service Centers within the Examinations program. The Legalization component of these centers will be phased out as work is completed, and remaining resources, such as equipment, will be used to improve the processing of ongoing casework at the Centers.

Several class action suits relating to the legalization program are pending final resolution in the courts as a result of the U.S. Supreme Court's decision in Janet Reno, Attorney General et al., Petitioners v. Catholic Social Services, Inc., et al.. The decision vacated district court orders in two separate cases which had been joined on appeal to the Ninth Circuit Court of Appeals. The Supreme Court remanded the case to the district court for new jurisdictional determinations and, if appropriate, remedial orders limited in accordance with the Court's decision. The Service has filed motions with the district court to vacate previous orders. Motions are pending before the court. The Service's field offices continue to accept applications related to these court cases until there is a final resolution in the district court.

Depending upon the outcome, final court action resolving these cases would generate limited additional processing in the future. The additional receipts from filing fees would cover any costs incurred as a result of court mandated actions affecting the program. The request for 1996 will cover processing costs and the costs of appeals processing.

Immigration and Naturalization Service
Immigration Legalization
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request 1/			Reprogrammings			1995 Appropriation Anticipated		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Citizenship and Benefits:									
a. Adjudications and Naturalization.....	23	54	\$3,188	...	...	...	23	54	\$3,188
2. Immigration Support:									
b. Information & Records Management...	1	1	42	...	...	...	1	1	42
c. Legal Proceedings.....	3	3	252	...	...	...	3	3	252
Subtotal.....	4	4	294	...	...	...	4	4	294
Total Obligations.....	27	58	3,482	27	58	3,482

1/ Includes reductions for GSA Rent and procurement.

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	1995 Appropriation Anticipated			1996 Base			1996 Request			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1995 Appropriation anticipated.....												
Mandatory increases.....												
1996 Base.....												
Estimates by budget activity												
1. Citizenship and Benefits.....	23	54	\$3,168	23	54	\$3,329	23	21	\$1,516	...	(33)	(\$1,813)
2. Immigration Support.....	4	4	294	4	4	307	4	4	307	...	...	...
Total.....	27	58	3,492	27	58	3,636	27	25	1,823	...	(33)	(1,813)

Immigration and Naturalization Service

Immigration Legalization

Summary of Requirements
(Dollars in thousands)

	1994 Actual	1995 Appropriation Anticipated	1996 Request
<u>Financing</u>			
Unappropriated balance, start-of-year.....	\$8,202	\$6,715	\$3,408
Receipts.....	1,304	175	75
Total available for appropriation.....	9,506	6,890	3,483
Appropriation.....	(2,791)	(3,482)	(1,823)
Unappropriated balance available, end-of-year.....	6,715	3,408	1,660
 Obligations.....	4,068	3,482	1,823
Recovery of prior year obligations.....	(1,277)	..	..
Total requirements.....	2,791	3,482	1,823
 <u>Obligations by program</u>			
Enforcement:			
Intelligence.....	15	..	..
 Citizenship and Benefits:			
Adjudications and Naturalization.....	2,885	3,188	1,516
 Immigration Support:			
Data and Communications.....	..	..	..
Information and Records Management.....	16	42	43
Legal Proceedings.....	252	252	264
Subtotal.....	268	294	307
 Total obligations, INS.....	3,168	3,482	1,823
 Obligations, Office of Special Counsel.....	900	..	..
Total obligations.....	4,068	3,482	1,823

**Immigration and Naturalization Service
Immigration Liaison
Summary of Resources by Program
(Dollars in thousands)**

	1984 As Enacted			1984 Actual			1984 Appropriation			1984 Base			1984 Request			Increase/Decrease		
	Perm.	Est.	WT	Perm.	Est.	WT	Perm.	Est.	WT	Perm.	Est.	WT	Perm.	Est.	WT	Perm.	Est.	WT
Estimates by Program																		
Enforcement:																		
Investigation	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Inspection	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Border	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Citizenship and Benefits:																		
Adjudications and Naturalization	23	54	53,151	23	56	5,485	23	54	53,150	23	54	53,339	23	21	51,516	...	(53)	(5,153)
Immigration Support:																		
Data and Communications Systems	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Information and Records Mgmt.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Legal Proceedings	2	2	221	2	2	222	2	2	222	2	2	224	2	2	224	...	...	...
Subtotal	4	4	223	4	4	224	4	4	224	4	4	227	4	4	227	...	...	...
Total INB	27	58	3,444	27	62	3,106	27	58	3,442	27	58	3,636	27	25	1,823	...	(53)	(1,613)
Office of Special Counsel	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total	27	58	4,344	27	62	4,006	27	58	3,442	27	58	3,636	27	25	1,823	...	(53)	(1,613)
Total FTE Workyears	58			62			58			58			58			...	(53)	
Overtime:																		
Other	1			1			1			1			1			...	1	
Total compensable workyears	59			63			59			59			59			...	(53)	

Immigration and Naturalization Service
Immigration Legalization
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Citizenship and Benefits

	1995 Appropriation		1996 Base				1996 Request				Increase/Decrease	
	Anticipated										Perm.	
	Perm.	Posl.	HY	Amount	Perm.	Posl.	HY	Amount	Perm.	Posl.	HY	Amount
Adjudications & Naturalization...	23	54	54	\$3,188	23	54	54	\$3,329	23	21	\$1,516	...
												-33 -\$1,813

LONG RANGE GOAL: To receive, process, review and subject to final action all applications and appeals related to denied applications submitted for temporary and permanent resident status under the Immigration Legalization program, authorized by the Immigration Reform and Control Act of 1986, P.L. 99-603, Title II, Sections 201-204.

MAJOR OBJECTIVES:

Complete processing of appellate and residual cases.

ACCOMPLISHMENTS AND WORKLOAD: The processing of applications for permanent resident status will, with the exception of residual cases, be completed in 1993. Processing of appeals of denials is likely to continue into 1996. The workload for the Immigration Legalization program is presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
Applicants adjusted to temporary resident status.....	8,426	...	...	...
Applications pending for temporary resident status	...	...	...	...
Applications for permanent resident status.....	32,750	6,799	7,000	7,000
Applications completed.....	43,200	7,042	10,000	10,000
Appeals received.....	7,546	980	1,600	1,500
Appeals completed.....	5,236	6,115	6,825	3,400
Appeals pending.....	12,510	7,375	2,150	250

Explanation
Workload estimates are based on planning assumptions which take into consideration the completion of the residual workload resulting from the deadline extension imposed by the Immigration Act of 1990 (IMMACT 90) and the settlement of litigation. Under IRCA the deadline for applying for legalization/permanent resident status was one year after the alien became eligible to apply. IMMACT 90 changed this deadline to two years from the date of eligibility. As the processing of applications for permanent residence is completed, resources will be shifted to the more complex and resource-intensive activities related to the processing of appeals made by applicants initially denied benefits by INS.

During 1994 the appeals unit continued its operations and completed action on 6,115 appeals during the year. As projected there are 7,375 cases pending as of the beginning of FY 1995. This case load consists of appeals to the denial of applications for temporary residence, termination of temporary residence and, denial of applications for adjustment of status to permanent residence. The appeals unit will require resources in order to continue processing appeals in FY 1995 and FY 1996.

On June 18, 1993, the U.S. Supreme Court, in *Janet Reno, Attorney General et al., Petitioners v. Catholic Social Services, Inc., et al.*, issued a decision vacating district court orders in two separate cases which had been joined on appeal to the Ninth Circuit Court of Appeals. (These cases dealt with issues related to aliens' continuous residence while in the country illegally and with foreign travel by aliens using facially valid visas to which they were not entitled.) The Supreme Court remanded the case to the district court for new jurisdictional determinations and, if appropriate, remedial orders limited in accordance with the Court's decision. The Service has filed motions with the district court to vacate the previous orders. Motions are now pending before the court. The Service's field offices continue to accept applications related to these court cases until there is a final resolution in the district court.

It is not possible to estimate the number of applications which may be submitted depending on the Court's decision. Resources in the Adjudications and Naturalization program field offices will be used to process and adjudicate applications of class members to the litigation and all remaining applications for adjustment under the Immigration Legalization program.

Program Changes:

	1995 Base			1996 Request			Increase/Decrease		
	Perm.	WX	Amount	Perm.	WX	Amount	Perm.	WX	
	Pos.			Pos.			Pos.	Amount	
Adjudications & Naturalization.....	23	54	\$3,329	23	21	\$1,516	...	-33	-\$1,813

A program decrease is requested due to a decline in workload being processed by the program. The remaining personnel are sufficient to process appeals and remaining residual workload.

Activity: Immigration Support

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.
<u>Anticipated</u>											
Information & Records											
Management.....	1		\$42	1		\$43	1		\$43	...	...
Legal Proceedings.....	3		252	3		264	3		264	...	...
Total.....	4		294	4		307	4		307	...	...
<u>1995 Appropriation</u>											
<u>Anticipated</u>											
Information & Records											
Management.....	1		\$42	1		\$43	1		\$43	...	...

LONG-RANGE GOALS: To provide information and records management support in a timely and professional manner to the staff of the Legalization Appeals Unit (LAU). Provide correspondence management support to the staff of the LAU to ensure compliance with the Freedom of Information Act and the Privacy Act. Ensure efficient records management in the life cycle of records. Ensure efficient mail and correspondence management practices.

MAJOR OBJECTIVES:

Provide reliable and accurate information and records support for the LAU so that information needed for the review of legalization appeals is correct and provided in such a way that processing is expedited.

Ensure LAU compliance with the Freedom of Information and Privacy Acts (FOIA/PA).

Respond to information and status requests regarding legalization appeals.

ACCOMPLISHMENTS:

The Information and Records Management program has continued to provide essential support for the Immigration Legalization program since its inception. Records personnel provide contract administration for data entry and records support at the processing facilities. As the Legalization program has phased down, the support provided to it by the Information and Records Management program has been reduced accordingly.

The processing of applicants for permanent resident status will continue into 1995. Appeals of denials will continue into 1996. The Information and Records Management program will complete any work related to application processing and appeals. The resources in the program are assigned to the LAU.

1995 Appropriation	Anticipated		1996 Base		1996 Request		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Legal Proceedings.....	3	\$252	3	\$264	3	\$264	...	...

LONG RANGE GOAL: To provide legal representation for the United States Government in legalization cases and matters arising before Immigration Judges and the Board of Immigration Appeals; represent INS in other legalization-related administrative hearings; provide legal advice and support to INS personnel regarding legalization-related matters; and represent INS in cases stemming from the legalization statutes being tried in the Federal courts.

MAJOR OBJECTIVES:

Represent the Service before administrative bodies and Federal courts in litigation involving all aspects of the Immigration Legalization program.

ACCOMPLISHMENTS:

This activity has been and remains important since several pending cases could have the effect of extending the program to allow a relatively small group of aliens to submit applications. Litigation continued into 1993 in a small number of significant cases. Legal support to the Legalization Appeals Unit and the Headquarters Legalization Office will continue.

The processing of residual applications for permanent resident status will continue in 1996. Appeals of denials will also continue into 1996. It is anticipated that the Legal Proceedings program will be able to address these appeals with resources committed within the Legalization account.

Immigration and Naturalization Service
Immigration Legalization
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994	1995	1996
	Authorized	Appropriation Anticipated	Request
Attorneys (905).....	2	2	2
Paralegal Specialist (950).....	1	1	1
Contact Representatives (962).....	1	1	1
Immigration Examiners (1801).....	23	23	23
Total.....	27	27	27
Washington.....	27	27	27

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Immigration and Naturalization Service

Immigration Legalization

Summary of Change
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work- years</u>	<u>Amount</u>
1995 Appropriation Anticipated.....	27	58	\$3,482
Mandatory Increases:			
1996 Pay Raise.....	..	..	70
One additional compensable day.....	..	..	8
Annualization and Increase of 1995 pay raise.....	..	..	26
Within-grade increases.....	..	..	35
Health benefits.....	..	..	6
\$80 supplemental retirement contributions.....	..	..	4
Unemployment compensation.....	..	..	1
General Pricing Level Adjustments.....	..	..	4
Total, mandatory increases.....	154
1996 Base.....	27	58	3,636
Program changes.....	..	(33)	(1,813)
1996 Request.....	27	25	1,823

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Immigration and Naturalization Service
Immigration Legislation
Justification of Adjustments to the Base
(Dollars in thousands)

Adjustments to Base:

Mandatory Increases:

	Perm. Fy81	Work- Year	Amount
<u>1996 pay raise.</u>	\$70
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$70,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$6,000 pay and \$2,000 benefits = \$8,000).			
<u>One Additional Compensable Day.</u>	8
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits based as well as pay for the additional day (\$6,000 for pay and \$2,000 for benefits).			
<u>Annualization and Increase of 1995 pay raise.</u>	26
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$19,000 for pay and \$7,000 for benefits).			
<u>Within-Grade Increases</u>	35
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$25,000 for pay and \$10,000 for benefits.			
<u>Health benefits.</u>	6
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$6,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			

\$80 supplemental retirement contributions.....	...	...	4
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$4,000 provides for this contribution.			
Unemployment compensation.....	...	...	1
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$1,000 is required to meet our commitment to DOL.			
General pricing level adjustments.....	...	...	4
This request applies OHS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total Mandatory Increases.....	...	...	154
Total, adjustments to the base.....	...	...	154
			1203

Immigration and Naturalization Service
Immigration Legalization
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount	Position & Workyears	Amount
GS/GM-14, \$56,627-73,619.....	4	...	4	...	4	...	...	...
GS-11, \$33,623-43,712.....	9	...	9	...	9	...	...	...
GS-9, \$27,789-36,123.....	10	...	10	...	10	...	...	...
GS-7, \$22,717-29,530.....	4	...	4	...	4	...	...	...
1996 pay raise.....	...	...	...	...	...	...	...	...
Total, positions.....	27	\$1,123	27	1,242	27	1,281	...	39
Pay above stated annual rates.....	...	...	...	...	...	...	...	...
Lapses.....	(10)	(369)	(2)	(61)	(2)	(61)	...	...
Savings due to lower pay scales for part of year.....	...	(5)	...	(4)	...	...	...	4
Net full-time permanent.....	17	726	25	1,157	25	1,200	...	43
Other than permanent:								
Temporary employment.....	43	1,307	33	1,398	...	...	(33)	(1,398)
Other personnel compensation:								
Overtime.....	5	156	4	175	4	17	...	(158)
Total, workyears and personnel compensation.....	65	2,194	62	2,730	29	1,217	(33)	(1,513)
Average GS/GM salary.....		(\$41,593)		(\$42,852)		(\$42,852)		
Average GS/GM grade.....		(9.20)		(9.50)		(9.60)		

Immiration and Naturalization Service
Immiration Legislation
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	17	\$729	25	\$1,157	25	\$1,200	...	\$43
11.3 Other than permanent.....	43	1,307	33	1,398	...	...	(33)	(1,398)
11.5 Other personnel compensation.....	5	158	4	175	...	17	(4)	(158)
Total, workyears and personnel compensation.....	65	2,194	62	2,730	25	1,217	(37)	(1,513)
12 Personnel benefits.....		513		480		410		(50)
21 Travel and transportation of persons.....		15		101		28		(75)
22 Transportation of things.....		...		...		...		...
23.1 GSA rent.....		125		121		121		...
23.2 Rental payments to others.....		3		2		2		...
23.3 Communications, utilities and miscellaneous charges.....		30		21		22		1
24 Printing and reproduction.....		1		...		...		...
25 Other services.....		1,105		8		8		...
26 Supplies and materials.....		61		40		16		(24)
31 Equipment.....		21		1		1		...
42 Insurance claims and indemnities.....		...		...		...		...
Total obligations.....	65	4,068	62	3,484	25	1,823	(37)	(1,661)
Relation of obligations to outlays:								
Total obligations.....		4,068		3,484		1,823		(1,661)
Recovery of prior years obligations.....		(1,277)		...		...		...
Outlays.....		2,791		3,484		1,823		(1,691)

Department of Justice
Immigration and Naturalization Service
Immigration User Fee
Estimates for Fiscal Year 1996

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Immigration & Naturalization Service

Immigration User Fee

Summary Statement

Fiscal Year 1996

For 1996, the Immigration and Naturalization Service requests 51 positions, 27 workyears and \$18,996,000 for the Immigration User Fee account as program increases over the 1996 Administration's base. In addition to this increase, receipts from fines and forfeitures are estimated to total \$7,300,000 in 1996. These resources, in addition to base funding, provide total program resources in 1996 of 3,274 positions, 3,312 workyears and \$357,084,000.

The Immigration User Fee Account was established in the 1987 Appropriations Act for the Department of Justice, (P.L. 99-591). Section 205 of the law directed the Attorney General, effective December 1, 1986, to charge and collect a \$5.00 user fee from each individual arriving in the United States aboard a commercial aircraft or vessel from foreign locations (other than Mexico, Canada and the adjacent islands).

In the 1991 Appropriations Act, the Congress removed the fee exemption for Canada, Mexico and the contiguous territories for air ports-of-entry, and placed a 45-minute immigration inspection standard at air ports-of-entry. The Department of Justice Appropriations Act, 1994 (P.L. 103-121) increased the user fee from \$5.00 to \$6.00.

All fees are to be deposited in an Immigration User Fee account. The resources are to be used to: provide immigration inspection services for commercial aircraft and vessels; administer debt collection activities, including the establishment and operation of a National Collections Office; expand and operate information systems for non-immigrant control and debt collection; detect fraudulent documents used by air and sea passengers traveling to the United States; detain and deport excludable aliens arriving on commercial aircraft and vessels; detain and deport excludable aliens who attempt illegal entry through avoidance of immigration inspection at air or sea ports-of-entry; provide exclusion and asylum proceedings at air or sea ports-of-entry, and provide necessary support for operations to assure that the objectives of the programs are achieved.

The budget request includes an increase of \$8,850,000 for automation initiatives, in addition to funding already in the User Fee budget base and the Violent Crime Reduction Trust Fund base, to support inspections at air ports-of-entry to keep pace with traffic growth and the expansion of major airports. The resources will be used to: upgrade the Interagency Border Information System (IBIS) to support the electronic exchange of visa data between INS and the Department of State overseas posts. Funding will also be used to automate arrival and departure records (Forms I-94) to enhance the inspection process, and to install automated port management systems at 50 locations to improve the management of operations and personnel. Finally, resources will be used to install ENFORCE, an automated enforcement case tracking system at four large airports to enhance enforcement operations at those locations.

The request includes 44 positions, 23 workyears, and \$8,941,000 to expand overseas enforcement resources and intelligence analysis capabilities to establish and maintain working relationships with overseas enforcement

organizations and consular offices. These resources will add to the Service's ability to acquire, analyze, and use information on migration patterns and smuggling operations.

Finally, the request includes 7 positions, 4 workyears, and \$1,205,000 for the expansion of journeyman training programs using technology which will allow the delivery of training in a distributed learning environment. Training programs will be developed in modules which will then be made available for off-site, in-service, and extension/correspondence training. The use of these approaches delivering training to INS personnel will lead to the reduction of journeyman training backlogs.

Revenue Assumptions

Funding for air and sea inspection services and other activities is dependent upon the collection of a User Fee assessed to most international air and sea travelers. This User Fee is set by statute, and the 1994 Department of Justice Appropriations Act (Public Law 103-121) set the fee at \$6.00 per passenger. The fee had not been changed since the Immigration User Fee account was established in 1987.

The 1995 and 1996 estimates used 1994 as a collections base, and include an annual increase in international passenger traffic of 6.6 percent based upon Federal Aviation Administration projections. The estimated revenue could also be affected by changes in legislation.

A legislative proposal will be submitted to remove the User Fee exemption for passengers arriving in the United States from Canada, Mexico, or any adjacent island on commercial vessels. It is estimated that removal of the commercial vessel exemption will generate \$20.1 million in 1996.

Immigration and Naturalization Service
Immigration User Fee
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request 1/			Reprogrammings			1995 Appropriation		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
1. Enforcement									
a. Inspections.....	2,504	2,358	\$185,820	63	131	\$5,530	2,567	2,489	191,350
b. Investigations.....	69	69	5,148	...	...	...	69	69	5,148
c. Detention & Deportation.....	251	251	73,080	...	...	...	251	251	73,080
d. Intelligence.....	24	24	1,921	...	...	...	24	24	1,921
Subtotal.....	2,848	2,702	265,969	63	131	5,530	2,911	2,833	271,499
2. Citizenship and Benefits									
a. International Affairs & Outreach.....	31	31	6,275	...	...	...	31	31	6,275
3. Immigration Support									
a. Training.....	30	29	3,110	...	...	...	30	29	3,110
b. Data & Communications.....	31	31	30,309	...	...	280	31	31	30,589
c. Information & Records Mgmt.....	36	36	1,583	...	...	...	36	36	1,583
d. Construction & Engineering.....	2	2	130	...	...	...	2	2	130
e. Legal Proceedings.....	25	23	2,028	40	40	3,364	65	63	5,392
Subtotal.....	124	121	37,160	40	40	3,644	164	161	40,804
4. Program Direction									
a. Management and Administration.....	107	91	11,385	92	85	8,089	199	176	19,474
Total.....	3,110	2,945	320,789	195	256	17,263	3,305	3,201	338,052

Reprogrammings. This column reflects the 1995 effect of the reprogramming approved on August 23, 1994.

1/. Includes reductions for GSA Rent and Procurement Savings.

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements
(Dollars in thousands)

Adjustments to the base:	1995 Appropriation Anticipated*			1995 Base			1995 Request			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
1995 appropriation anticipated.....	2,911	2,133	\$271,499	2,892	2,857	283,605	2,918	2,871	\$278,424	26	14	\$12,709
Mandatory increase.....	31	31	6,275	...	...	...	16	9	5,022	15	9	8,022
Adjustments.....	104	181	40,804	164	160	47,925	171	164	49,130	7	4	1,205
1995 Base.....	199	176	19,474	197	198	19,208	197	198	19,208	...	...	...
	3,305	3,201	338,052	3,223	3,285	330,768	3,214	3,312	346,784	51	27	18,996

Estimates by budget activity

	Perm. Pos.	WY	Amount
1. Enforcement.....	2,911	2,133	\$271,499
2. Citizenship and Benefits.....	31	31	6,275
3. Immigration Support.....	104	181	40,804
4. Program Direction.....	199	176	19,474
Total.....	3,305	3,201	338,052

* A reprogramming notification for FY 1995 is being prepared, which will reduce estimated obligations for 1995. The FY 1995 funding level in this exhibit reflects the enacted level, and not an anticipated lower level that will result from the reprogramming.

**Immigration and Naturalization Service
Summary of Requirements
(Dollars in thousands)**

	1994 Actual	1995 Appropriation Anticipated	1998 Request
Financing			
Unappropriated balance, start-of-year	\$28,879	\$42,399	\$14,647
Receipts	278,559	303,200	342,500
Total available for appropriation	307,435	345,599	357,147
Appropriation	(285,038)	(330,952)	(387,064)
Unappropriated balance, end-of-year	42,399	14,647	63
Obligations			
Recovery of prior year obligations	272,403	330,952	357,064
Total requirements	(7,357)	330,952	357,064
Obligations by program			
Enforcement			
Inspections	150,424	191,350	204,693
Investigations	4,686	5,146	7,360
Detention and Deportation	46,306	64,506	60,007
Intelligence	1,779	1,921	4,344
Subtotal	203,195	262,955	276,424
Citizenship and Benefits:			
International Affairs and Outreach	569	...	5,022
Immigration Support:			
Training	3,572	3,110	6,133
Data and Communications	30,567	30,579	34,121
Information and Records Management	1,302	1,563	1,498
Construction and Engineering	179	130	147
Legal Proceedings	5,497	5,392	5,231
Subtotal	41,107	40,804	48,130
Program Direction:			
Management and Administration	15,695	19,474	19,208
Obligations from fees	262,562	323,233	346,784
Obligations from fines	9,541	7,719	7,300
Total Obligations	272,403	330,952	357,064

Notes:
This exhibit shows reduced estimated obligations for FY 1995 due to lower-than-projected receipt estimates. A reprogramming notification is being prepared and will be submitted in the future. Adjusted obligations shown in this table are estimates and may be revised further in the reprogramming notification. Receipts in FY 1998 assume removal of the cruise line exemption.

**Intelligence and National Security Service
Intelligence User Fee
Summary of Resources for Programs
Shown in Foregoing**

	1984 as Estimated			1984 Actual			1985 Appropriation			1985 Base			1985 Estimate			Increased Outlays		
	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Estimates by program																		
Enforcement	2,325	2,428	814,187	2,525	2,108	819,434	2,597	2,448	815,320	2,607	2,607	820,143	2,607	2,607	820,143	0	0	0
Investigation	188	187	64,322	182	136	48,308	201	251	73,000	198	184	60,007	198	184	60,007	0	0	0
Domestic Operations	188	187	64,322	182	136	48,308	201	251	73,000	198	184	60,007	198	184	60,007	0	0	0
Intelligence	24	24	1,877	24	22	1,775	24	24	1,871	24	24	1,871	24	24	1,871	0	0	0
Subtotal	2,610	2,645	880,387	2,610	2,308	869,541	2,611	2,653	871,481	2,605	2,607	860,155	2,618	2,611	860,155	17	0	1,007
Other programs																		
International Affairs & Outreach	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Intelligence Support	30	29	3,000	30	...	3,072	30	29	3,110	30	29	3,038	37	33	3,133	7	4	1,200
Training	31	31	20,743	31	...	20,927	31	31	20,848	31	29	24,121	31	29	24,121	...	...	...
Data & Communications Systems	39	39	1,748	39	...	1,792	39	39	1,830	39	39	1,830	39	39	1,830	...	...	...
Information & Records Management	40	40	1,748	40	...	1,792	40	40	1,830	40	39	1,830	40	39	1,830	...	...	...
Communications Engineering	40	40	1,748	40	...	1,792	40	40	1,830	40	39	1,830	40	39	1,830	...	...	...
Legal Proceedings	40	40	1,748	40	...	1,792	40	40	1,830	40	39	1,830	40	39	1,830	...	...	...
Subtotal	164	161	40,750	164	143	41,707	164	161	40,804	164	160	47,825	171	164	48,135	7	4	1,200
Program Discretion																		
Management and Administration	187	180	19,875	187	151	19,890	188	178	19,474	187	188	19,208	187	188	19,208	0	0	0
Total	3,141	3,058	887,012	3,141	2,803	880,562	3,140	3,201	880,562	3,123	3,200	880,562	3,174	3,172	880,562	61	27	18,748
Obligations from fees																		
Total obligations	3,141	3,058	887,012	3,141	2,803	880,562	3,140	3,201	880,562	3,123	3,200	880,562	3,174	3,172	880,562	61	27	18,748
Other Workyears																		
1001 Act	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	...	...	...
AJO	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	...	...	...
Other	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	1,001	...	...	...
Total comparable workyears	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	4,200	...	...	...

* A reprogramming notification for FY 1985 is being prepared, which will reduce estimated obligations for 1985. The FY 1985 funding level in this exhibit reflects the estimated level, and not an anticipated level that will be reported from the reprogramming.

Immigration and Naturalization Service
Immigration User Fee Account
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Enforcement

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease		
	Perm.	MX	Perm.	MX	Perm.	MX	Perm.	MX	
Inspections.....	2,567	2,489	\$191,350	2,607	2,697	\$195,843	2,607	2,697	\$204,693
Investigations.....	69	69	5,148	69	51	5,158	78	56	7,380
Detention and									
Deportation.....	251	251	73,080	192	184	60,007	192	184	60,007
Intelligence.....	24	24	1,921	24	25	2,647	41	34	4,344
Total.....	2,911	2,833	271,499	2,892	2,957	263,855	2,918	2,971	276,424

This budget activity contains resources dedicated to both preventing illegal entry into the United States and facilitating the entry of qualified persons through air and sea ports-of-entry. This activity includes inspecting applicants for admission, investigating alien smuggling and immigration fraud schemes, detaining and deporting illegal aliens, and scientifically examining and analyzing documents to assist in the identification of aliens attempting fraudulent entry.

1995 Appropriation

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease		
	Perm.	MX	Perm.	MX	Perm.	MX	Perm.	MX	
Inspections.....	2,567	2,489	\$191,350	2,607	2,697	\$195,843	2,607	2,697	\$204,693

LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States at air and sea ports of entry is controlled in a manner that is consistent with the national interest; facilitate the entry of qualified applicants; identify and deny admission to those not qualified; and provide support to the Adjudications and Naturalization program by approving or denying applications and petitions for benefits that are sent to ports-of-entry for remote adjudication during inspector standby time.

MAJOR OBJECTIVES:

Inspect, in cooperation with other Federal agencies, all applicants for admission into the United States at air and sea ports-of-entry. A 45-minute standard for primary inspection has been established at major international airports.

Prevent the entry of inadmissible applicants through air and sea ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status used for illegal entry.

Adjudicate applications and petitions at air and sea ports-of-entry in order to efficiently utilize inspector standby time.

BASE PROGRAM DESCRIPTION: The function of this program is to enforce and administer the Immigration and Nationality laws with respect to the inspection of all persons seeking admission into the United States. Applicants for admission are inspected at air and sea ports-of-entry to determine if they qualify for admission, and, if so, under what conditions. This process is coordinated with the Department of State, the U.S. Customs Service, the Department of Agriculture, and local port authorities. Determination of inadmissibility is based on the examination of the applicant, related documents, or prior information. Local and national lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry. Any criminal activity discovered in the inspection process is referred to the appropriate law enforcement agency for investigation. Applications and petitions for a full range of benefits under the Immigration laws are adjudicated during periods of standby time at most ports-of-entry during non-peak workload hours.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Inspections program at air and sea ports-of-entry are presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
Persons Inspected -				
User Fee.....	64,207,860	64,211,784	66,000,000	68,000,000
Inadmissible Aliens				
Intercepted User Fee...	88,209	82,999	84,000	86,000

The Inspections program has made substantial progress in meeting the 45-minute inspection standard mandated by the Congress. Essentially all flights are now processed within the 45-minute standard.

The Service has initiated productivity initiatives which have been a factor in the facilitation of the inspection process. The Interagency Border Inspection System (IBIS) is a cooperative effort between the INS, the U.S. Customs Service (USCS), the Department of State (DOS), and other Federal agencies. The system's database primarily includes INS lookout records, DOS information on lost or stolen passports and excludable aliens, and USCS lookout records. IBIS installations cover over 95 percent of all commercial airport traffic. Arriving passengers' records are checked against this extensive automated database. The use of IBIS is essential to the facilitation of passenger inspections and the achievement of the 45-minute inspection standard.

The Service has implemented other approaches to facilitate inspections. Using the Advance Passenger Information System (APIS), an airline communicates a departing flight's passenger information and the flight's destination port-of-entry to allow a search of the IBIS database to determine the passengers' admissibility prior to the

arrival of the aircraft. The use of APIS results in a significant time savings for the arriving passengers.

The INS also dedicates "Blue Lanes" to facilitate the entry of passengers for whom APIS data has been collected and processed. Passengers on APIS flights proceed directly to these special lanes which allow passengers to move rapidly through the inspection area. Approximately 22 percent of arriving air passengers are processed using this system.

In addition to the APIS and "Blue Lanes" the Service is operating a new automated inspections process called the INS Passenger Accelerated Service System (INSPASS) at the Newark and New York airports. INSPASS uses an enrollment procedure in which a traveler is "inspected" for admission to the United States and then given a card encoded with biometric data which makes it possible to uniquely "tie" the card to the individual. Applications for INSPASS are accepted at specific INS enrollment sites, where applicants file written applications and are interviewed by INS personnel. If their applications are accepted, biometric measurements of their hands are taken. INSPASS cards, similar to a credit card in shape and size, are issued at the conclusion of the enrollment process. These cards contain electronically-encoded identification and biometric information.

When a card-holding traveler arrives at a port-of-entry equipped for INSPASS inspections, the individual proceeds to an automated inspection stand for accelerated inspection processing. The traveler inserts his/her INSPASS card in a reader which then queries the IBIS database to determine admissibility. The coded data establishes identity, enabling an automated approval of admission into the U.S. When the IBIS search is completed, the traveler places his/her hand in a hand geometry reader for further identification verification. If this "test" is passed and the reader detects a match with the biometric data, the traveler receives a receipt or the departure portion of the I-94, depending on the individual's immigration status, and is permitted to pass through an automated gate as soon as the receipt or I-94 is removed from the machine. The total processing time is designed to require not more than 30 seconds.

PROGRAM CHANGES:

	1996 Base		1996 Request		Increase/Decrease	
	Perm.Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount
Inspections.....	2,607	2,697	2,607	2,697	204,693	...
						\$8,850

The Office of Inspections is developing a long-range plan to improve facilitation and enforcement efforts at airports-of-entry. Essentially the plan uses technology to minimize paper records required for the visa issuing and inspections processes and maximize intelligence and criminal information available from data bases for enforcement efforts. By eliminating labor-intensive, paper-oriented tasks these initiatives redirect personnel resources back to border security duties and away from non-officer, clerical activities.

In late 1993, a working group within the Interagency Border Inspection System (IBIS) Steering Committee, developed a plan to provide a framework for the future of air operations. The working group was comprised of representatives of the Immigration and Naturalization Service (INS), U.S. Customs Service, the Animal and Plant Health Inspection Service, and the Department of State (DOS). The group completed a paper, International Air Passenger Operations 2000 (IAPSO 2000), which identifies the components of air operations and presents a strategy for the future. The INS is using this paper to redefine its inspections process.

Currently the INS spends a significant amount of resources manually collecting statutorily required arrival and

departure information on nonimmigrants. The Service spends approximately \$11 million dollars per year to have I-94 information entered into the Nonimmigrant Information System (NIIIS) as well as countless officer hours in counting, sorting, batching, and mailing of both the arrival and departure portions of the I-94. More importantly, the processing of I-94's during an individual's primary inspection diverts the officer's attention and time away from enforcement activities and adds significantly to the length of the inspection.

Using IAPQ 2000 as its basis, the Service is developing and implementing programs which utilize advanced technology to facilitate the entry of bona fide travellers while maintaining the security of our nations borders. The Service and the Department of State are working together to develop a plan to electronically transfer information between the two agencies in order to eliminate paper records.

The Advanced Passenger Information System (APIS) allows passengers' biographical data to be sent electronically to a U.S. information processing center prior to their arrival in the United States thus facilitating the inspectional procedure. The Service is in the process of pilot testing and evaluating feasibility of the INS Passenger Accelerated Service System (INSPASS), for the selected use of automated inspections technology. The process combines inspection interviews with the use of biometrics technology.

The Port-of-Entry Management System (POMS) is another application of automation technology which contributes to the efficient use of resources. At present, tracking of workload, scheduling of personnel, management and control of overtime funds, and reporting of workload statistics are accomplished manually at virtually all POES. Each port consumes significant amounts of available staff resources to perform the wide variety of time-consuming manual tasks required to maintain required records and compile required reports. POMS would provide uniform computer support to all POES.

The INS/DOS Working Group

The INS/DOS Working Groups' plan for electronically transferring data between the two agencies will comprise a significant part of INS's overall plan to remake the inspections process. The Working Group began meeting in late November 1993 to make recommendations on ways to better cooperate and improve our interactive processes; the petition adjudication, visa issuance, Port-of-Entry admission, and record storage processes. Processes for immigrants, nonimmigrants (both visited and non-visited), Visa Waiver Pilot Program (VCWPP) national and U.S. citizens were also discussed. In order to more thoroughly discuss improvement of the existing processes, both INS and DOS mapped the various processes for each group considered, which includes immigrants, nonimmigrants, VCWPP nationals and U.S. citizens. Each step of the process requires the keystroking of data or movement of paper. For the most part, all necessary information is collected at the first stage of the process but must be repeatedly keystroked because we do not have the capability to share data.

Using the framework laid out in IAPQ 2000, the group considered the process from the time an individual first encountered the U.S. government with regard to entering the United States through that individual's departure from the United States. In some cases, the process began with the filing of a petition at an INS Service Center and in other cases, the process began when the individual arrived at a Port of Entry. In particular, the group focused on policy recommendations regarding the automation of data sharing, transmission, and storage. After discussing the policy recommendations, the group developed a long-range plan for the automation land telecommunications systems necessary to support the policy recommendations. Short-term systems plans and costs assessments associated with both the long and short-term goals were also developed.

Automated Inspections Process

With the knowledge that resources, personnel, and facilities are limited while passenger arrivals are expected to increase yearly, INS wants to "work smarter with less." In February of this year, headquarters and field representatives formed a working group to reengineer the airport inspections process in order to focus our efforts on identifying and intercepting mala fide applicants while facilitating the arrival of the vast majority of travellers who are bona fide. The group developed overall recommendations for the inspections program which will be the basis for all future airport initiatives. Again, using IAP0 2000 as a frame, the group discussed methods of fully automating INS control processes, improving departure control procedures, expediting the arrival formalities of bona fide travellers, identifying mala fide applicants, and enhancing the ability of all agencies to intercept violators of U.S. law.

Benefits of Automating the Inspections Process

Cost savings would result in the creation of a process that: eliminates redundant data collection and entry, electronically transmits data around the world thereby eliminating paper transfer of data, and automatically creates and stores records. In addition, tremendous enforcement benefits would result in a process that: allows inspectors to screen passenger histories prior to arrival in the U.S., allows each agency to have access to complete data on any individual at all times, reduces the types of documents and increases the security features in the document, increases the integrity of the process by ensuring that the document issued to an individual belongs to that individual by verification of biometric data, and allows for systems integrity by tracking data entry and document issuance. The following are more specific benefits.

Enforcement

Interceptions, through immediate access to up-to-the-minute information on visa issuance, pending adjudications, previous arrivals and departures, and status of any person who entered the system at any point, would be increased.

Document fraud would be deterred through the wide-spread use of machine-readable documents containing biometric data "attaching" the bearer to the document.

Confusion regarding the authenticity of documents presented on the federal, state, and local level would be reduced as a result of the standardization of all U.S.-issued travel documents.

The number of applications for duplicative, inappropriate, and/or contradictory benefits from INS and other federal, state, and local agencies would be reduced.

It would enhance information assistance provided to national and international law enforcement agencies, and government entitlement agencies through the availability of passenger information.

Facilitation and Customer Service

Service to our customers in every area would improve through access to updated, accurate information throughout the adjudication, visa issuance, inspection, detention, deportation, and naturalization processes.

Inspections at the ports would require less time.

There would be fewer erroneous "hits" at POEs due to the availability of complete, quality data.

Immediate access to complete information on every person who has entered or applied for a benefit, would result in faster adjudication of all applications while eliminating storage and transmittal problems resulting from bulky, paper files.

There would be a reduction in duplicative forms completed by customers (i.e. visa applications, supporting documents, entry/departure record, extensions of stay).

Security for the American public would be enhanced as a result of enhanced enforcement

Record Keeping

Rather than concentrating on how INS can more efficiently endorses, staple, sort, box, and mail entry cards, this creative use of information technology will enable INS to break old habits and eliminate the need for entry cards and all of the checks and controls associated with them.

The government and the carriers would save money as a result of eliminating the Form I-94.

The number of record errors resulting from manual data collection and input of passenger data would be reduced.

The quality of statistical information would be enhanced since it would be based on more reliable data on passenger loads and composition.

Job Enhancement

In the new primary inspection process, the Immigration Inspector would devote more time to enforcing the immigration laws and less time processing paper. Inspectors would have more time to devote to work that is substantive and productive since much of the routine, repetitive collateral work associated with paper processing would be eliminated. Their jobs become more satisfying as they are empowered to make independent decisions and are given more control over the direction and scope of their day. Inspectors' education would be expanded and on-going to enable them to increase their insight and stay informed and critical.

FY 1996 Request

The FY 1996 Inspections program's Airport Automation Initiative request of \$8,850,000 will be added to airport automation base funding from the Crime Control Fund in order to upgrade hardware and software to support the development and expansion of enforcement and facilitation efforts at air ports-of-entry. The combined FY 1996 funding will be used as follows:

INS/State Department DOS Initiative -- There are holes in the border ports-of-entry lookout network through which terrorists, criminals, and other excludable aliens can enter the United States undetected. Both the INS and the Department of State (DOS) need to improve the way data is shared. The IBIS system, with appropriate systems upgrades, can provide for electronic data exchange of visa information from DOS overseas posts so that INS' lookout system is current, and the DOS overseas posts receive return data on persons INS finds excludable. With the appropriate electronic systems interfaces, INS inspectors, who have only seconds to determine whether an applicant may be admitted immediately or must be referred to secondary for further questioning, will be provided

with timely and quality visa information to aid in making their determinations.

Under this initiative, INS will develop the remainder of the hardware and software upgrades to provide for the transfer of data between State, INS, and the Central Index System with regard to nonimmigrant and immigrant visa processing. In FY 1995, \$6 million dollars in resources contained in the Violent Crime Reduction Trust Fund will support a pilot program for the transfer of data at three overseas posts. This program will expand to 50 additional posts beginning in FY 1996 with the \$5,200,000 in resources requested in this initiative. This plan will provide the following capabilities:

- On-line communication so that visa information is available at ports-of-entry or preinspection sites within 20 minutes.

- Two-way communication between the Department of State post and the automated system to transmit visa and application refusal information.

- Ability to update records at each stage of transmission between INS and DOS. For example, I-130 (immediate relative petition) information entered at an INS Service Center could be updated by DOS at the National Visa Center and the Service Center would receive a copy of the change.

Automated Inspections Process - With the requested increase, \$1,750,000, INS will fund systems and software upgrades to provide for an automated electronic arrival/departure record. This process includes:

- Developing software/system that would allow for the admission or referral to secondary of passengers from the advanced passenger information system manifest.

- Developing technology for an automated receipt generator.

- Developing software that would interface the automated manifest with passenger name record.

- Developing a system to collect addresses electronically on nonimmigrants and create machine-readable documents for affected passengers.

- Developing software to bring the Record of Intercepted Passengers System and the Port-of-Entry Management System on-line in the current border management system.

These electronic improvements will expedite inspections, allowing passengers to be checked through electronic systems before they arrive at the port. This technology will then sort arriving passengers between low and high-risk as they begin inspection. The persons immediately admissible will be expedited, given receipts necessary to show they have been inspected, and data on them will be captured for statistical and other purposes. Persons who require a further interview will be identified upon arrival. The process will allow inspectors to devote most of their time to the high-risk persons. The improvements will also allow necessary documentation to be generated electronically and it will reduce paper documents, saving time and expense.

IBIS - Provide for hardware upgrades and system expansion.

- Continue hardware replacement for airports that have IBIS equipment dated prior to 1991.
- Port of Entry Management System (POMS) and workforce modeling system (WAM) expansion to 50 additional sites.

- Install positive identification software at all major airports.

This initiative continues the process of replacement of outdated IBIS hardware with base funding. The requested increase of \$10,000 will provide for the installation of the Port of Entry Management System (POMS) at 50 airport sites. The POMS provides INS airport managers with an automated system which improves their ability to set the most efficient work schedules, make work schedule changes as flight schedules change or other requirements dictate, schedule, track and monitor overtime, and do other administrative tasks in an automated environment. The installation of positive identification software at major airports, which coupled with ENFORCE will provide inspectors with an additional automated enforcement tool to identify, process, and track criminal and other inadmissible aliens.

ENFORCE - Install ENFORCE at five major airports (New York, Miami, Los Angeles, San Francisco, and Honolulu).

The ENFORCE case processing and tracking system, currently being test piloted by the Border Patrol in areas along the Southwest border, will be installed at five major airports (covering approximately 75 percent of all airport traffic) with \$1,750,000 in funding provided by this initiative. In addition to enforcement-related case tracking, the system will automate various administrative processes, eliminate duplicative data entry involved in booking inadmissible aliens, and provide for the automated collection of enforcement-related statistical data.

The four parts of the initiative will improve enforcement capability, as well as the quality, efficiency, and effectiveness of the inspection staff, improve data exchange with the Department of State, and provide reliable statistical and case information to portland and other operations personnel. As a result of investments made in technology in FY 1995 and continued in FY 1996, workload improvements are anticipated at major air ports-of-entry. The maximum inspection processing time through INS will be reduced to less than 45 minutes for post-primary inspections. It is estimated that intercepts of inadmissible passengers will increase 5 percent in the first year and 5 percent thereafter not to exceed 20 percent overall. Clerical tasks performed by inspectors related to I-94 processing at airports will be reduced as electronic arrival/departure records become automated, freeing approximately 30 officer workyears.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
Investigations.....	69	69	\$5,148	69	51	\$5,158	78	56	\$7,380	9	5	\$2,222

LONG-RANGE GOALS: To support activities associated with the Immigration User Fee account by identifying law violators and gathering evidence of violations of the Immigration and Nationality Act and related criminal laws; and initiating appropriate criminal prosecution or providing information to support administrative action to effect removals from the United States.

MAJOR OBJECTIVES: Prosecute and deter arrangers, facilitators and smugglers who conspire with, and assist aliens to fraudulently obtain immigration benefits or perpetrate major fraud schemes associated with international air and sea ports-of-entry.

Investigate and apprehend aliens who commit major criminal offenses, with emphasis on international criminal alien organizations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities associated with international air and sea travel.

Provide investigative support to other Service branches by locating aliens who have absconded from deportation or exclusion proceedings associated with international air and sea ports-of-entry.

BASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly-organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Investigative task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Investigations often require the service of subpoenas and search warrants to obtain evidence.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
Deportable Aliens				
Apprehended.....	591	502	500	500
Apprehensions per workyear*	9.9	7.9	8.0	8.0
Fraud				
Cases Completed.....	116	200	200	200
Defendants Prosecuted.....	40	53	50	50
Cases Completed per workyear*	3.8	5.8	5.8	5.8
Smuggling				
Cases Completed.....	118	79	80	80
Prosecutions.....	40	46	50	50
Cases Completed per workyear*	4.5	2.7	3.0	3.0

* Ratios are based upon the number of workyears allocated to the various investigative functions.

The focus of the Investigations program regarding Immigration User Fee activities reflects one of the basic INS enforcement priorities: detection and deterrence of fraud and smuggling. The principal goal of the fraud program is to discourage illegal immigration through fraud, and to protect the integrity of benefits and documents legitimately provided to those aliens who are entitled to immigration benefits. In an effort to accomplish this goal, the Service is aggressively targeting complex criminal organizations involved in immigration fraud.

Smuggling cases typically involve the investigation of major international alien smuggling and criminal organizations. The past year portends even greater worldwide activity. Cases have shown extensive networks used to move aliens via circuitous routes to reach this country.

Program Changes

	1996 Base	1996 Request	Increase/Decrease
	Perm.	Perm.	Perm.
Investigations.....	Pos. FTE Amount	Pos. FTE Amount	Pos. FTE Amount
	69 \$5,138	78 \$7,380	9 \$2,222

The focus on emerging criminal organizations is a departmental initiative which has direct ties to the INS initiative of strengthening Border Management through overseas deterrence of alien smuggling. The INS overseas deterrence component of this initiative involves looking not only at operations at U.S. borders, but also taking full advantage of the operational effectiveness of placing INS enforcement resources at source locations overseas. The requested increase - 9 positions for the Investigations program, 17 for the Intelligence program and 18 for the International Affairs and Outreach program, would place 35 additional enforcement officers (20 are new positions and 5 are from a redistribution of base positions) at key overseas posts, as well as a total of 14 intelligence analysts, fraudulent document analysts and support staff located at Headquarters and the Fraudulent Document Laboratory in Tysons Corner, Virginia.

The permanent placement of INS staff at overseas locations allows the Service to establish and maintain an

effective long-term working relationship with host country migration authorities, consular officers, and enforcement organizations. Through this long-term relationship of mutual trust and confidence, coupled with a working knowledge of cultural, social and economic conditions in the area, officers are able to gather intelligence information and coordinate enforcement operations which have a significant positive impact on INS domestic operations.

With the requested resources, through coordination with domestic INS District Offices, Border Patrol Sectors, other U.S. Government agencies, host country governments, airline officials, and other non-government entities, INS will pursue a proactive international enforcement strategy in identifying, investigating, deterring, disrupting and reducing illegal activities at their source, and at key overseas transit locations used by smugglers and mala fide aliens bound for the United States.

Smuggling cartels are capable of moving thousands of people per month worldwide. Fraudulent travel documents such as passports and visas are obtained to facilitate boarding on commercial flights. Smugglers arrange for aliens to travel on circuitous routes to evade detection. Thailand, Hong Kong, Singapore, Holland, Bolivia, Belize, Mexico, and the Dominican Republic are major transit countries. Smuggling syndicates have recently established a major presence in Moscow to facilitate the smuggling of Chinese (and other nationalities) through the former Soviet Union and Eastern Europe. The liberalization of the governments in Eastern Europe and their desire to build a tourism industry has fueled alien smuggling as the smugglers take advantage of the new freedoms.

The tremendous profit potential of alien smuggling provides an often irresistible temptation that can corrupt local officials in both origin and transit countries. In some cases, the bribes used to facilitate alien smuggling rival the amounts collected to permit the flow of narcotics.

To complicate matters, once the aliens are in the United States, many of the smuggling organizations employ various schemes to permit the alien to remain in the country. The asylum process has been one program subject to such abuse.

Interruption of these alien smuggling activities through proactive investigations, liaison efforts, international task forces, and extrajudicial prosecutions targeting the smuggling organizations and support infrastructure at the source or at points along the route, results in a resource savings in domestic inspections, investigative, detention, legal, deportation and related support costs.

Placement of overseas enforcement personnel will be within the organizational control of INS's three overseas district offices. Three of the 35 positions will focus specifically on overseas intelligence work, nine on overseas criminal organizations involved in smuggling, and the remaining 23 on a combination of intelligence, anti-smuggling and related overseas enforcement deterrence efforts. The positions will be allocated as follows: Rome - 14, Bangkok - 9, and Mexico City - 12.

The strategy of increasing INS staffing in overseas district offices to provide additional enforcement capabilities will achieve the following anticipated results and measures of success:

- reductions in mala fide entry attempts at international airports in the United States;
- reduction in alien smuggling with an increased cost of operations to alien smuggling rings;

disruption to worldwide smuggling patterns;
 improved intelligence gathering capabilities;
 enhanced liaison and information sharing between INS, consular officers (fraud prevention programs) of the United States and other countries, and host country law enforcement/migration authorities;
 enhanced host country investigation activities resulting in seizures of documents (stolen and fraudulent);
 disruption of local country citizen attempts to "sell" babies, etc., for fraudulent adoptions;
 increased United States Government immigration training activities to host countries with emerging immigration enforcement systems; and,
 increased United States Government support of domestic smuggling investigations resulting in prosecution and indictment of persons operating inside the United States.

	<u>1995 Appropriation</u>			<u>1996 Base</u>			<u>1996 Request</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>Pos.</u>	<u>MY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>MY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>MY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>MY</u>
Detention and Deportation.....	251		251	\$73,080	192	184	\$60,007	192	184	\$60,007	...	...

LONG-RANGE GOAL: To support inspectional activities associated with the Immigration User Fee account through the detention of alien passengers who are subject to exclusion proceedings before an immigration judge, and who are likely to abscond, or who represent a danger to public safety and security.

MAJOR OBJECTIVES:
 To provide for the safe and secure detention of alien passengers under exclusion proceedings in custody for a hearing before an immigration judge.

BASE DESCRIPTION: The Detention and Deportation program is a critical element in the structure of the Service. Its functions are the detention, removal, parole and deportation of aliens. Both Service-owned and contract facilities are used to detain, until ready for removal, those aliens subject to exclusion proceedings who are likely to abscond or whose freedom at large would represent a danger to public safety and security. In the performance of the deportation function, the Service maintains a system of controls that ensures that every case involving an excludable alien is efficiently and correctly processed and, if necessary, the alien's removal from the country is effected promptly.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Detention and Deportation program are presented in the following table:

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Item	1993	1994	Estimate	
			1995	1996
Aliens Detained.....	7,452	7,228	5,872	5,872
Number of Detention Days.	477,330	336,657	335,538	335,538
Average Stay in Detention (Days).....	64.0	46.6	60.5	60.5
Exclusions.....	1,656	2,192	1,916	1,916

The Detention and Deportation program locates available space in Service detention facilities, local jails, hotels, motels, and contract detention facilities to house aliens in exclusion proceedings in the major metropolitan areas. The program's ability to detain aliens in exclusion proceedings until the completion of their cases is dependent upon the availability of funding.

	1995 Appropriation Anticipated			1996 Base			1996 Request			Increase/Decrease		
	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount	Perm. Pos.	MY	Amount
Intelligence.....	24	24	\$1,877	24	24	\$2,647	41	34	\$4,344	17	9	\$1,697

LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency of activities associated with the Immigration User Fee account.

MAJOR OBJECTIVES:

Furnish assistance in the detection of fraudulent identity documents to international law enforcement agencies and international air carriers.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components.

Maintain liaison with appropriate United States and foreign government agencies on immigration and National security matters including the movement of known or suspected international terrorists.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act.

BASE PROGRAM DESCRIPTION: This program provides strategic and tactical intelligence support to Service offices enforcing the provisions of the Immigration and Nationality Act, and assists other Federal agencies in addressing national security issues. The Service's document laboratory is a critical component of the program. Intelligence support contributes to efforts aimed at preventing the entry of illegal aliens, terrorists and narcotics traffickers, and detecting fraudulent documents, alien smuggling, false claims to citizenship and other fraud.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993		1994		Estimate 1995	
	Perm.	FTE	Perm.	FTE	Perm.	FTE
Cases received for examination of fraudulent documents * (Air and Sea).....	1,191		1,497		1,600	1,700
* Includes forensic examinations, document intelligence requests, and Photophone transactions and technical assistance to support ports of entry. The PDL plays a critical role in the detection of fraudulent international travel documents.						

Program Changes

	<u>1996 Base</u>		<u>1996 Request</u>		<u>Increase/Decrease</u>			
	Perm.	FTE	Perm.	FTE	Perm.	FTE		
Intelligence.....	24	24	\$1,877	24	\$2,647	17	9	\$1,697

The focus on emerging criminal organizations is a Departmental initiative which has direct ties to the INS initiative of Strengthening Border Management through overseas deterrence of alien smuggling. The INS overseas deterrence component of this initiative involves looking not only at operations at U.S. borders, but also taking full advantage of the operational effectiveness of placing INS enforcement resources at source locations overseas. The requested increase of 44 positions - 17 positions for the intelligence program, 9 for the investigations program, and 18 for the International Affairs and Outreach program, would place 35 additional enforcement officers (30 are new positions and 5 are from a redistribution of base positions) at key overseas posts, as well as a total of 14 intelligence analysts, fraudulent document analysts and support staff located at Headquarters and the Fraudulent Document Laboratory in Tysons Corner, Virginia.

The permanent placement of INS staff at overseas locations allows the Service to establish and maintain an effective long-term working relationship with host country migration authorities, consular officers, and enforcement organizations. Through this long-term relationship of mutual trust and confidence, coupled with a working knowledge of cultural, social and economic conditions in the area, officers are able to gather intelligence information and coordinate enforcement operations which have a significant positive impact on INS domestic operations.

With the requested resources, through coordination with domestic INS District Offices, Border Patrol Sectors, other U.S. Government agencies, host country governments, airline officials, and other non-government entities, INS will pursue a proactive international enforcement strategy in identifying, investigating, deterring, disrupting and reducing illegal activities at their source, and at key overseas transit locations used by smugglers and male rde aliens bound for the United States.

Smuggling cartels are capable of moving thousands of people per month worldwide. Fraudulent travel documents

such as passports and visas are obtained to facilitate boarding on commercial flights. Smugglers arrange for aliens to travel on circuitous routes to evade detection. Thailand, Hong Kong, Singapore, Holland, Bolivia, Belize, Mexico, and the Dominican Republic are major transit countries. Smuggling syndicates have recently established a major presence in Moscow to facilitate the smuggling of Chinese (and other nationalities) through the former Soviet Union and Eastern Europe. The liberalization of the governments in Eastern Europe and their desire to build a tourism industry has fueled alien smuggling as the smugglers take advantage of the new freedoms.

The tremendous profit potential of alien smuggling provides an often irresistible temptation that can corrupt local officials in both origin and transit countries. In some cases, the bribes used to facilitate alien smuggling rival the amounts collected to permit the flow of narcotics.

To complicate matters, once the aliens are in the United States, many of the smuggling organizations employ various schemes to permit the alien to remain in the country. The asylum process has been one program subject to such abuse.

Interruption of these alien smuggling activities through proactive investigations, liaison efforts, international task forces, and extrajudicial prosecutions targeting the smuggling organizations and support infrastructure, at the source, or at points along the route, results in a resource savings in domestic inspections, investigative, detention, legal, depogation and related support costs.

Placement of overseas enforcement personnel will be within the organizational control of INS' three overseas District Offices. Three of the 35 positions will focus specifically on overseas intelligence work, nine on overseas criminal organizations involved in smuggling, and the remaining 23 on a combination of intelligence, anti-smuggling and related overseas enforcement deterrence efforts. The positions will be located at the following overseas posts: Rome - 14, Bangkok - 9, Mexico - 12.

The strategy of increasing INS staffing in overseas District Offices to provide additional enforcement capabilities will achieve the following anticipated results and measures of success:

- reductions in male fide entry attempts at international airports in the United States;
- reduction in alien smuggling with an increased cost of operations to alien smuggling rings;
- disruption to worldwide smuggling patterns;
- improved intelligence gathering capabilities;
- enhanced liaison and information sharing between INS, Consular Officers (fraud prevention programs) of the United States and other countries, and host country law enforcement/migration authorities;
- enhanced host country investigation activities resulting in seizures of documents (stolen and fraudulent);
- disruption of local country citizen attempts to "sell" babies, etc., for fraudulent adoptions;

increased United States Government immigration training activities to host countries with emerging immigration enforcement systems; and,
increased United States Government support of domestic smuggling investigations resulting in prosecution and indictment of persons operating inside the United States.

Activity: Citizenship and Benefits

1995 Appropriation Anticipated		1996 Base		1996 Request		Increase/Decrease			
Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount		
31	\$6,275	18	9	\$5,022	18	9	\$5,022

Note: The 1996 base budget level reflects the projected impact of a planned reprogramming action.

LONG-RANGE GOAL: Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing.

MAJOR OBJECTIVES:

Maintain established pre-clearance sites in overseas locations throughout the world.
Conduct training for representatives of foreign carriers and immigration authorities on the detection of fraudulent documents.

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to host governments, international organizations, and private voluntary agencies.

Establish relationships to encourage the collection and dissemination of information of importance to the United States.

BASE PROGRAM DESCRIPTION:

Enforcement Activities:

In coordination with the Department of State, the Coast Guard, and the Department of Justice, the Office of International Affairs and Outreach was an active participant in work with foreign governments in monitoring the movement of Mainland Chinese being smuggled to the U.S. and their repatriation.

A case involving Chinese smugglers provides an example of successful interagency coordination. Working closely with domestic offices, the INS' overseas offices provided valuable information and assisted in the collection

of evidence for U.S. Attorneys which led to the indictment and arrest in 1993 of two major Chinese boat smugglers. Information leading to action against these individuals indicates that they controlled approximately 80 percent of all boat smuggling operations from the People's Republic of China (PRC). The overseas offices have since reported that PRC boat smuggling activities dropped significantly since the arrests.

At the request of the Department of State, the Service placed an immigration officer in Karachi, Pakistan, to investigate fraudulent document schemes, provide technical assistance, and deter smuggling rings targeting U.S. international airports. The work of this officer and other personnel in the INS Rome District Office appear to be having an impact on the volume of malefide travelers originating in Pakistan, based on third and fourth quarter 1993 data.

Program Changes

	<u>1996 Base</u>		<u>1996 Request</u>		<u>Increase/Decrease</u>	
	Perm.	Posl.	Perm.	Posl.	Perm.	Posl.
International Affairs & Outreach	18	9	\$5,022	18 9 \$5,022

The focus on emerging criminal organizations is a Departmental initiative which has direct ties to the INS initiative of strengthening Border Management through overseas deterrence of alien smuggling. The INS overseas deterrence component of this initiative involves looking not only at operations at U.S. borders, but also taking full advantage of the operational effectiveness of placing INS enforcement resources at source locations overseas. The requested increase of 44 positions - 18 for the International Affairs and Outreach program, 9 for the Investigations program, and 17 for the Intelligence program, would place 35 additional enforcement officers (30 are new positions and 5 are from a redistribution of base positions) at key overseas posts, as well as a total of 14 intelligence analysts, fraudulent document analysts and support staff located at Headquarters and the Fraudulent Document Laboratory in Tysons Corner, Virginia.

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Placement of overseas enforcement personnel will be within the organizational control of INS's three overseas District Offices. Three of the 35 positions will focus specifically on overseas intelligence work, nine on overseas criminal organizations involved in smuggling, and the remaining 23 on a combination of intelligence, anti-smuggling and related overseas enforcement deterrence efforts. The positions will be located at the following overseas districts: Rome - 14, Bangkok - 9, and Mexico City - 12.

The strategy of increasing INS staffing in overseas District Offices to provide additional enforcement capabilities will achieve the following anticipated results and measures of success:

- reductions in mala fide entry attempts at international airports in the United States;
- reduction in alien smuggling with an increased cost and risk of operations to alien smuggling rings;
- disruption to worldwide smuggling patterns;
- improved intelligence gathering capabilities;
- enhanced liaison and information sharing between INS, Consular Officers (fraud prevention programs) of the United States and other countries, and host country law enforcement/migration authorities;
- enhanced host country investigation activities resulting in seizures of stolen and fraudulent documents;
- disruption of local country citizen attempts to "sell" babies, etc., for fraudulent adoptions;
- increased United States government immigration training activities to host countries with emerging immigration enforcement systems; and,
- increased United States government support of domestic smuggling investigations resulting in prosecution and indictment of persons operating inside the United States.

Activity: Immigration Support

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Training.....	30	29	\$3,110	30	29	\$6,928	37	33	\$8,133	7	4	\$1,205
Data and Commu- nications.....	31	31	30,589	31	29	34,121	31	29	34,121	...	...	...
Information and Records Management	36	36	1,583	36	33	1,498	36	33	1,498	...	...	...
Construction and Engineering.....	2	2	130	2	2	147	2	2	147	...	...	...
Legal Proceedings....	63	63	5,372	23	23	2,028	63	67	5,231	...	...	...
Total.....	124	121	36,327	124	121	37,177	124	121	37,177	...	...	...

This activity includes resources for training of personnel, communications, automated data processing, field management, legal proceedings, and facilities management.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount
Training.....	30	29	\$3,110	30	29	\$6,928	37	33	\$8,133	7	4	\$1,205

LONG-RANGE GOAL: To establish and maintain an employee development system in the Immigration User Fee Account that meets the needs of management and individual employees and complies with regulatory requirements.

MAJOR OBJECTIVES:
To provide administrative support to the basic training of all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs associated with Immigration User Fee activities.

BASE PROGRAM DESCRIPTION: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organization needs.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Training program are presented in the following table:

Item	1993	1994	Estimate 1995
Workload Productions/Training			
Start:			
Immigration Officer Basic.....	710	894	680
Completion:			
Immigration Officer Basic.....	691	833	718

The workload estimate for 1995 includes completions for training begun in 1994.

PROGRAM CHANGES:

	1993 Base	1993 Request	Increase/Decrease
	Perm.	Perm.	Perm.
	FTE Amount	FTE Amount	FTE Amount
Training.....	30	29	7
	\$6,928	\$8,133	\$1,205

These resources will initiate a strategic plan for the long-range career development of our journeyman employees through the use of emerging technology keyed to a distributed learning environment. A similar resource request in the Salaries and Expenses submission was not resourced, so this portion will only allow for program design and pilot testing of export training.

Over the past 10 years, the Service has undergone sweeping legal, regulatory, and administrative changes and is now in the process of an agencywide automation effort which will have a substantial impact on the way we do business. As a result of these sweeping changes and their impact on journeyman employees throughout the agency, major training challenges face INS. Advanced training backlogs loom as legal liabilities. Retirements and the resulting chain of succession will create a ripple effect on immediate training requirements for new managers and supervisors. General Arrest Regulations and proposed expanded investigative authorities require Servicewide training and certification and re-certification of all officers to various levels of authorization. The renewed emphasis on cultural diversity, human rights, and integrity will require retooling of basic, advanced, and managerial courses. The strategy to increase workforce effectiveness through investments in technology will require major new employee development efforts to prepare employees to properly deploy and use this new technology. These training needs are cumulative and pervasive.

The Service cannot afford to neglect the potential of our greatest resource, the employees who comprise our complex and geographically dispersed workforce. The lack of continuing, appropriate, and timely training opportunities negatively influences productivity, morale, and the growth of both individual employees and the INS corporate structure. The old approach of resident classroom-based training at the Service's training academies is no longer practical nor is it cost-effective. This training initiative will develop continuous programming that can effectively be used in field locations by institutionalizing technology-based distributive methods (primarily computer-based instruction) capabilities. A small production team of specialists will produce training courseware for use in the field. Many offices have available computers which can be enhanced with inexpensive CD ROM Multimedia peripherals. Other offices will be able to borrow full function pre-loaded

multimedia laptop computers from our lending library. This approach will reach any employee in the Service with standardized, high quality, self-paced, and user friendly training. The effectiveness of this method of training will be measured by testing students prior to, and upon completion of, the courses.

Journeyman Training:

Training backlogs have grown to unprecedented levels: 6,000 for advanced training, 500 for supervisory training, and 500 for managerial training. Twenty-five percent of this workload is attributable to positions funded in the Immigration User Fee account, the majority of which are in the inspections program. The advanced training courses for Journeyman are two to three week courses that include refresher training, updates on changes in applicable laws, and additional training needed to become fully proficient at the Journeyman level. The lag time between training sessions for individual officers remains at 6 years. Given that it takes two to three years to make the Journeyman grade, and then another six years before attending the advanced training course, the average officer is only receiving advanced training after being on board for nine years. This is an excessive length of time when one considers that officers who deal in law enforcement issues require periodic training to stay abreast of changes in law and enforcement techniques to avoid potential lawsuits. The backlogs in advanced and managerial training will take a major effort to eliminate. We estimate that it will take 5 or more years to become current once the program is fully resourced.

The use of computers will be integrated into both basic and advanced training--overcoming barriers, and preparing trainees for greater use of computers in field operations. By expanding instruction in Service systems applications and incorporating the use of computers in classroom, employee skill levels in computer-based technology will be increased. Training modules will include courses in the areas of integrity, human rights, and cultural diversity for Journeyman, supervisory, and managerial employees. Where necessary, training will be conducted for instructor and administrative personnel.

Distributed Learning:

New training technology affords the Service an opportunity to provide continuous training for all INS employees at or near their duty station to reduce travel costs. Distributed learning methodology will be utilized to reduce the Service's dependency on residential-based training. While certain requirements such as basic training, firearms and driver training and other courses involving group interaction and practical exercises may justify a group/residential learning environment, many learning objectives can be addressed by distributed learning packages utilizing video cassettes, workbooks, and computer-based instruction and, in certain instances, video conferences. This training can be learner-based, self-paced, ongoing, and reusable. Distributed learning technology allows for the disseminating information, increasing certain skills, and changing attitudes.

Three areas have been selected as paradigms for the application of distributed learning methodology:

Export Training - Select portions of existing advanced and specialized training courses currently being taught in residence will be targeted for "export" using distributed media and presentation methodology. Export training involves breaking up a residential training program into two parts: one part that can be administered off-site and a second part that retains the elements of the original program best suited for residential learning. With an advanced training class, officers can do the coursework vis-a-vis videos, correspondence, and

computer based training over a matter of years while they remain at their primary work site. Then, they can attend a shortened residential course to fulfill the complete course obligations. This method of training has the advantage of reducing costs by minimizing travel and per diem, of causing less disruption in the workplace, and of keeping officers current through continual training sessions after extended periods of time.

Extension Training - This type of training is for self-development and would be done on a correspondence basis. Extension training can be offered to both INS employees and to those outside the Service. Individuals can take this training in order to improve their understanding of INS activities and to improve their skills and can do so by self nomination. The Extension training program will focus on cross-training skills and utilize a variety of appropriate media presentations for non-residential, self-paced training.

In-Service Training - Periodic and special training requirements are generated by legislative, regulatory, and policy mandates (e.g. general arrest authority). In-Service training plans call for the development of the appropriate materials needed to train large numbers of employees in a short time frame. The Training division can produce the training materials that allow the employees to "train" themselves and distribute these materials throughout the Service. This is both cost effective and an efficient and effective method to train large numbers of people. Not only does this method fulfill the special training requirements associated with operational changes, but it also provides a program of continuing education for employees that allows them to bridge the gap between basic and advanced training.

Because of the scarcity of training funds, only about \$1,000,000 of the Service training budget is currently used for employee development. The bulk of Service training resources fund basic and advanced officer courses at the two academies, located in Glynn, Georgia (the Federal Law Enforcement Training Center) and Artesia, New Mexico. Employee development encompasses training such as secretarial skills, word processing or spreadsheet courses, and stress management classes. With over 20,000 positions, a \$1,000,000 budget for employee development represents resource availability of less than \$50 per person. Since prices for these types of classes often range from \$250 to \$500, many Service employees must go years without training of any type.

The shortage of training resources is evident from the fact that from FY 1989 to FY 1994, the overall level of funding for the Service has increased by 75 percent, while the training budget has only increased by three percent. Using the 1995 Congressional Budget for comparison, the Drug Enforcement Administration and the Federal Bureau of Investigation budgeted 3.2 percent and 2.4 percent of their resources for training, respectively, compared to the 0.8 percent budgeted for training by the Service.

1995 Appropriation Anticipated		1996 Base		1996 Request		Increase/Decrease	
Pos.	MX Amount	Pos.	MX Amount	Pos.	MX Amount	Pos.	MX Amount
Data and Communica-	31	\$30,589	31	\$34,121	31	\$34,121	...
tions.....							...

LONG-RANGE GOAL: To establish, improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources

Pursuant to the Strategic Plan for Information Systems, provide the optimal level of automation support; provide communications to support all of INS's informational needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronic equipment and systems required by INS to support its law enforcement functions; promote the sharing of information with other Federal agencies to reduce the paperwork burden to both the public and INS; and provide technological guidance in support of all INS operations.

MAJOR OBJECTIVES:

Develop, implement and maintain the Interagency Border Inspection System (IBIS) and the Frequent Traveler Inspection System (INSPASS).
 Ensure the cost effectiveness of new information systems through the use of contemporary techniques for quantifying and justifying ADP systems and databases related to Immigration User Fee programs.
 Improve the quality, reliability, interoperability, maintenance, and accessibility of existing information systems related to Immigration User Fee programs.
 Improve the efficiency and effectiveness of voice and data communications related to Immigration User Fee programs.
 Provide office automation support for word processing, local tracking, analysis and electronic mail related to Immigration User Fee programs.
 Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronics capabilities related to Immigration User Fee programs.
 Design, develop and implement improved ADP-based systems and databases related to Immigration User Fee programs.

BASE PROGRAM DESCRIPTION: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics systems. This includes: 1) improving the effectiveness and efficiency of Service functions through the use of computer resources for information processing; 2) providing for the operation of data and communications networks; and 3) researching problems of the Service to develop new or adopt existing technologies for their potential effectiveness within INS.

ACCOMPLISHMENTS AND WORKLOAD:

Benefits Systems. The Computer Linked Application Information Management System (CLAIMS) integrates the individual casework-oriented software subsystems that support the processing of applications and petitions for immigration benefits. CLAIMS is operational at all four Service Centers, the Administrative Appeals Office and the Baltimore District Office. In the past four years, CLAIMS has contributed to more than an 80 percent increase in adjudication productivity at INS Service Centers. Plans in FY 1995 include establishing an electronic interface between the Service Centers and the Immigration Card Facility (ICF), completing the Maternalization Casework System (MACS) data entry into CLAIMS, beginning MACS reengineering, upgrading the public response system, and installing CLAIMS into additional District Offices. Beyond FY95, INS will continue to

deploy CLAIMS to additional districts and sub-offices. INS will also reengineer and enhance the system to incorporate the Marriage Fraud Amendment Act System (MFAS) as well as an automated adjudications capability including the electronic capture of information and complete NACS reengineering.

Computer and Telecommunications Security (CSTS) Program. The Computer and Telecommunications Security (CSTS) Program was formally established in FY 1994 with the designation of a full-time Computer Security Program Manager and an operational budget to cost-effectively implement and maintain the program. The program will protect from waste, fraud, and abuse the integrity, availability and confidentiality of INS automation resources and data. During FY 1994, Computer System Security Officers (CSSOs) were identified and trained in computer and telecommunications security fundamentals; security guidance documents were developed, on such subject as sensitive system identification, sensitive system security planning and ADP contingency planning; risk analyses were completed for 10 mainframe applications, and ADP position sensitivity levels were determined for all INS ADP contract support personnel.

Other notable achievements included: the testing of INS's mainframe contingency plan for operations at the Justice-Data Center in Dallas (JDC-D); the development and service-wide distribution of a computer security awareness training toolkit; and the training of over 120 personnel in risk analysis, contingency planning and local area network security practices and principles. In FY 1995, INS will continue developing its computer security program through continued activities in policy and procedural guidance development and providing computer security training with an emphasis on setting up effective field programs. INS also plans to complete the mainframe risk analyses and move on to certifying its mainframe operations in Dallas; completing security assessments for INS District Offices overseas; developing mainframe and network audit strategy documents; and developing materials to launch a computer anti-fraud and abuse campaign. During FY 1996, the CSTS Program will focus on providing CSSOs with more advanced tools to support their computer security management function. INS plans to complete the development, deployment and training of CSSOs in a computer security accreditation management tool.

Office Automation Infrastructure. In pursuit of a comprehensive office automation infrastructure, the INS identified a standard office automation platform and awarded its largest acquisition to support its deployment service-wide. The goal of this initiative is to provide the INS workforce with the basic office automation capabilities to effectively and efficiently communicate initiatives, share data, and produce professional products that support customers' needs. In FY 1995, a site implementation list was developed and site surveys began on the southwest border and at key high-volume locations throughout the country. The Service expects that by the end of FY 1995, it will have completed infrastructure installation at 103 sites (17 percent of INS sites), providing service to 45 percent of the agency's workforce. In FY 1996, the infrastructure will be installed and/or initiated at 205 sites (33 percent of INS sites), thus bringing this service to a total of 88 percent of the workforce.

Control Admissions at Ports of Entry. The Interagency Border Inspection System (IBIS) and the INS Passenger Accelerated Services System (INSPASS) are designed to enhance INS's inspection function. IBIS, a system operated jointly with the U.S. Customs Service and Departments of State and Agriculture, is used at ports-of-entry to facilitate inspection and to identify criminals. IBIS is currently installed at major air and land border ports-of-entry. Plans include installing replacement equipment at several large IBIS sites which were installed during the early years of the program, expand IBIS to additional POEs, and test a new system imaging capability. INSPASS is a proof-of-concept automated inspection for low risk, frequent travelers using automated inspection kiosks. The INSPASS prototype has been installed at all five international terminals of JFK

International Airport, Newark International Airport, and the Pearson International Airport in Toronto. INS will continue development and enhancement work on INSPASS in concert with an expansion of the pilot to five sites in FY 1995 and 11 more sites in FY 1996.

Biometric Identification Systems. IDENT is INS's fingerprint-based identification subsystem that will be used by INS law enforcement and benefits systems to assist in the positive identification of persons who are arrested as well as those who apply for benefits. IDENT will serve as the front end to a central INS fingerprint processing and for automated inspection. IDENT will serve as the front end to a central INS fingerprint repository. The system currently being prototyped in the San Diego Border Patrol Sector has measured recidivism for the 30-day period (ending 1/16/95) at 33 percent. During FY 1996 INS will begin service-wide implementation of IDENT, establishing the central site and approximately 234 remote sites, each outfitted with Automated Booking Stations (ABS).

Corporate Database. The INS is completing plans for the enhancement of INS corporate data assets by re-engineering existing data repository systems to streamline access to alien information. This initiative will ensure that data collected is correct and will follow the same naming and attribute standards across all systems requiring use of the data. An interface refinement for existing INS index systems has been completed. INS plans to develop and deploy a Common User Interface that provides a front end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. Plans are also underway to test the kiosk concept for forms distribution.

INS International Network Communications (INSINCL). INSINCL is the Service's data communications network that provides telecommunications services to INS operational facilities worldwide. There is an ongoing effort to upgrade facilities and prepare for the implementation of new technologies and protocols as necessary to support ADP requirements. In FY 1994, INS began establishing an initial operating capability at INS Headquarters, Regional Offices, the four Service Centers and several field offices for the interworking of their Local Area Networks using router technology. This direction is based on requirements of new distributed systems using client-server and imaging technologies to transport large amounts of data among INS offices. INSINCL contingency plans were also developed and talks continue with U.S. Sprint for improved incident detection and recovery response time.

During FY 1995, INS will complete its migration from the BSC protocol and, where appropriate, continue to transition existing sites to Switched Digital Integrated Service (SDIS) and upgrade the data communications staff's INSINCL network access and diagnostic capabilities. During FY 1996, the INS will continue its migration to router and other communications technologies as the new infrastructure is deployed, and the expansion of the foreign office network will continue at a rate of seven offices per year. Also, as a follow-on to the successful FY 1994 pilot test of video teleconferencing technology for conducting deportation hearings, the Service will pursue a contract to provide video integration services for the future expansion of this and other anticipated video teleconferencing initiatives. It is also expected that the application of video technology for deportation hearings will continue and be expanded to other operational areas such as the examinations and asylum operations.

1995 Appropriation Anticipated

Item	1995 Anticipated		1996 Base		1996 Request		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Information and Records Management	36	\$1,583	36	\$1,498	36	33	\$1,498	...

LONG-RANGE GOALS: To provide status and general information from hard copy and automated records in a timely and professional manner to the public and other Government agencies. Administer Servicewide records program designed to provide support to INS operating components and other United States law enforcement agencies, as well as State and local governments seeking the status of aliens under the provisions of the Immigration and Nationality Act. Ensure the reliability of automated and manual data generated by INS information systems; and ensure efficient records management in the life cycle of records.

MAJOR OBJECTIVES: Provide analytical and technical expertise on manual and electronic record collection, capture, storage and maintenance, processing and retrieval as required to support Immigration User Fee account activities.

Improve the control, accountability and availability of INS records through increased efforts to provide support to the Debt Management program as related to Immigration User Fee account activities.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems in support of the Debt Management program as related to Immigration User Fee account activities.

BASE PROGRAM DESCRIPTION: The functions of this program are to: (1) provide responses to inquiries from local, State and Federal agencies; and the various branches of government, by telephone, in-person, and in writing; (2) maintain alien records and files from which data may be readily obtained to respond to requests from both inside and outside the Service; (3) recommend guidelines, policies and procedures and responses to records requests; and (4) compile statistics for use in preparing regular and special reports about Service operations and work accomplishments.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993		1994		Estimate 1995	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Records Services--						
Files Created.....	36,000		42,471	41,000	41,000	
Records Verification...	32,000		38,048	34,200	34,200	
Files Transfer & Request from Others/PRO's....	40,000		61,035	57,000	57,000	
Files Connection.....	70,000		89,308	67,000	67,000	
Refiles.....	96,000		98,122	93,000	93,000	
Mail Processing.....	320,000		345,343	350,000	350,000	

1995 Appropriation Anticipated	1996 Base			1996 Request			Increase/Decrease				
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	NY Amount	Perm. Pos.			
Construction and Engineering.....	2	2	\$130	2	2	\$147	2	2	\$147

Long-Range Goal: To provide adequate facilities for all INS operating units supported by the Immigration User Fee account so that they can fulfill their requirements to administer the Immigration and Nationality Act.

MAJOR OBJECTIVES:
Review plans associated with the construction, alteration, and maintenance of effective, safe, energy conserving, and attractive facilities associated with programs funded by the Immigration User Fee account.

BASE PROGRAM DESCRIPTION: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the Service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease, and through assignment by airport authorities. New inspection facilities are coordinated as necessary with U.S. Customs Service, Public Health Service, Department of Agriculture, GSA, State, county, local, airport, and foreign authorities.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Construction and Engineering program are presented in the following table:

Item	1993		1994		1995 Estimate	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Airport Projects.....	25	30	30	20	20	20

The airport projects consist of renovations of existing facilities, review of plans for new facilities, and expansion of existing facilities.

1995 Appropriation Anticipated	1996 Base			1996 Request			Increase/Decrease				
	Perm. Pos.	NY Amount	Pos.	Perm. Pos.	NY Amount	Pos.	NY Amount	Perm. Pos.			
Legal Proceedings...	65	63	\$5,392	65	67	\$5,231	65	67	\$5,231

LONG-RANGE GOAL: To provide legal representation for the U.S. Government in all cases and matters involving exclusion proceedings and INS's debt collection activities.

MAJOR OBJECTIVES:
To provide INS legal support and representation at exclusion proceedings with emphasis on excluding criminal

aliens apprehended as a result of programs supported by the Immigration User Fee account.

To provide legal support to the Office of Finance to collect debts owed to the United States Government.

BASE PROGRAM DESCRIPTION: INS attorneys represent the Service before Immigration Judges, the Board of Immigration Appeals, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and Boards of contract appeals. The program provides litigation support in agency litigation being conducted in U.S. District Courts, Courts of Appeals, and the Supreme Court. Attorneys provide advice to the Headquarters staff and field officials on legal matters arising at all levels of agency operations associated with programs supported by the Immigration User Fee account.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993	1994	1995 Estimate	1996
Exclusion Activities				
Exclusion Appearances....	38,482	31,833	31,840	31,840
Cases Prepared.....	11,883	28,333	28,340	28,340
Preparation of Legal				
Briefs and Memos.....	1,018	2,190	2,190	2,190
Legal Consultations.....	7,098	14,736	14,740	14,740
Total Work Units.....	58,481	77,092	77,110	77,110
Debt Collection Program				
Collection of overdue				
debts (\$000).....	\$5,140	\$5,244	\$5,350	\$5,500

Activity: Program Direction

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease	
	Perm.	MX Amount	Perm.	MX Amount	Perm.	MX Amount	Perm.	MX Amount
Management and								
Administration....	199	176 \$19,474	167	168 \$19,208	167	168 \$19,208	...	...

This activity provides for the overall administration and management of the Service.

LONG-RANGE GOALS: To formulate and coordinate meaningful and consistent management policies and direction in the Immigration User Fee account throughout all levels of the Service; to provide management direction to field units that implement major policy and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

MAJOR OBJECTIVES:

- Provide for continuity, and control of the overall management and administration of INS.
- Direct implementation of Service-wide policy and ensure its effective and uniform application.
- Provide management direction to field units on implementation of INS policy and initiatives.
- Improve agency responsiveness through continued enhancement of management systems including:
 - Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources;
 - Continuing to emphasize and institutionalize INS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation.
- Provide program direction for the personnel, equal opportunity, budget, accounting, property management, and support services.
- Provide policy guidance and review of fee supported activities of the Service.
- Ensure integrity of fee supported activities through audits and program reviews.
- Develop and monitor policies and procedures for secure receipt and internal processing of payments to INS, and ensure prompt and secure movement of receipts to appropriate accounts.
- Provide vehicle support services.
- Provide for the full range of security, safety and health support activities.

BASE PROGRAM DESCRIPTION: The functions of this program are: (1) To provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs; (2) To execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources; and (3) To provide for the development, implementation, direction, operation and evaluation of administrative support systems and services that meet internal operational and managerial needs and externally mandated requirements. Included in this program are duties related to providing executive direction and control of the Service; furnishing accurate and prompt responses to Congressional and public inquiries; administering and maintaining effective budgeting and financial management systems, performing audits, conducting internal investigations, providing informational responses to frequent inquiries of GAO, OIG, OMB and Departmental offices, and developing and evaluating policies and systems to improve the effectiveness of Service programs. The major administrative functions within the program include: personnel, budget, accounting, equal employment opportunity, procurement, property management, fleet management, security and health, and other miscellaneous general services that support all programs funded by

the Immigration User Fee account INS.
ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Management and Administration program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
Personnel:				
Personnel Actions.....	16,315	16,315	16,603	
Number of Persons Hired	400	450	750	
Position Classification				
Requests.....	319	319	319	
Position Review Requests	2,211	2,211	2,236	
Formal Grievances.....	65	65	75	
Adverse and Disciplinary				
Actions.....	170	170	180	
Unfair Labor Practice				
Charges.....	55	55	60	
Finance:				
Bills.....	5,000	5,150	5,250	5,250
Vouchers.....	31,000	32,000	32,500	32,500
Equal Employment Opportunity				
Office:				
On-site evaluations..	105	500	500	750
Training-Supervisors,				
Employees and Collateral				
Duty employees.....	77	192	192	259
Number of Complaints Filed	28	80	80	80

Immigration and Naturalization Service
Immigration User Fee

Financial Analysis - Program Changes
(Dollars in thousands)

Item	PROGRAM INVESTMENTS											
	Airport Automation Inspections		Investigations		Overseas Detention Intelligence		Int'l Affairs		Professionalism		Total	
									Training			
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades												
GS-14.....	4	\$250	6	\$374	...	...	10	\$624
GS-13.....	9	\$475	9	475	7	369	4	\$211	29	- 1,530
GS-12.....	5	222	2	89	7	311
GS-11.....	2	74	...	...	...	...	2	74
GS-7.....	2	50	...	...	...	...	2	50
GS-6.....	1	23	1	23
Total positions and annual rate	9	475	17	849	18	965	7	323	51	2,612
Lapse (-).....	(4)	(237)	(8)	(424)	(9)	(478)	(3)	(161)	(24)	(1,300)
Other than permanent.....
Other Personnel Compensation.....	2	133	1	44	4	280	...	...	7	457
Total workyears and personnel												
Compensation.....	7	371	10	469	13	1,303	4	162	34	2,305
Personnel benefits.....	587	...	570	...	1,029	...	49	...	2,215
Travel and transportation of persons.....	197	...	92	...	396	...	...	...	685
Transportation of things.....	132	...	117	...	264	...	...	...	513
GSA Rent.....	222	...	173	...	444	...	56	...	895
Comm., utilities, and misc charges.....	4	...	8	...	53	...	...	...	1,865
Printing & reproduction.....	63	...	...	...	83
Other services.....	150	...	108	...	1,147	...	875	...	3,980
Supplies and materials.....	7	...	15	...	110	...	7	...	139
Equipment.....	72	...	145	...	143	...	56	...	5,768
Unvouchered.....	500	...	...	...	70	...	...	...	570
Total program workyears and obligations												
changes requested, 1996.....	...	8,850	7	2,222	10	1,697	13	5,022	4	1,205	34	18,996

Immigration and Naturalization Service
Immigration User Fee
Priority Ranking
Fiscal Year 1996

<u>Priority/Program</u>	<u>Enhancement</u>	<u>Program Increase</u>	<u>Pos.</u>	<u>WY</u>	<u>(\$000)</u>	<u>RANKING</u>
<u>PRIORITY : Border Enforcement and Management</u>						
Inspections	- Airport automation to enhance facilitation and information sharing with the Department of State.		...	...	\$8,850	1
International Affairs & Outreach	- Enforcement staffing at overseas offices.		18	9	5,022	2
Investigations	- Enforcement staffing at overseas offices.		9	5	2,222	3
Intelligence	- Staffing to enhance intelligence support for overseas enforcement.		17	9	1,697	4
Training	- Journeyman and in-service training.		7	4	1,205	5
Total.....			51	27	18,996	

1244

Immigration and Naturalization Service
Immigration User Fee
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996		
			Base	Change	Total
Attorneys (905).....	18	58	58	...	58
Asylum Officer (930).....	24	24	...	...	...
General Enforcement & Support (1800 - 1899).....	...	...	...	20	20
Detention and Deportation Officer (1801).....	179	179	132	...	132
Detention Enforcement Officer (1802).....	45	45	39	...	39
Criminal Investigators (1811).....	83	83	83	9	92
Immigration Inspectors (1816).....	2,383	2,567	2,607	...	2,607
Social Sciences, Economics and Kindred (100 - 199).....	...	...	...	13	13
Engineering and Architecture (800 - 899).....	2	2	2	...	2
General Administrative and Clerical (300 - 399).....	170	271	232	1	233
Personnel Management (200 - 299).....	34	52	49	...	49
Education Group (1700 - 1799).....	...	...	...	6	6
Accounting and Budget (500 - 559).....	4	24	21	...	21
Physical Sciences Group (1300 - 1399).....	...	...	...	2	2
Total.....	2,942	3,305	3,223	51	3,274
Washington.....	58	62	60	14	74
U.S. Field.....	2,720	3,079	2,999	7	3,006
Foreign Field.....	164	164	164	30	194
Total.....	2,942	3,305	3,223	51	3,274

Immigration and Naturalization Service
Immigration User Fee
Summary of Change 1995 - 1996
(Dollars in thousands)

	Perm. Pos.	Work - years	Amount
1995 Appropriation anticipated.....	3,305	3,201	\$338,052 *
Adjustments to base:			
Mandatory Increases:			
1995 Pay Rise.....	...	...	3,285
One Additional Compensable Day.....	...	...	543
Annualization and Increase of 1995 Pay Rise.....	...	...	4,373
Within - grade Increases.....	...	...	1,749
Health Benefits.....	...	...	301
\$80 Supplemental Retirement Contributions.....	...	...	216
Foreign Allowance.....	...	...	5
Accident Allowance.....	...	...	65
Unemployment Compensation.....	...	...	13
Distributed Administrative Support (DAS).....	...	...	6
General Pricing Level Adjustments.....	...	...	528
Total, mandatory increases.....	...	...	11,106
Decreases:			
Nonrecurring Costs of Revised 1994 Program Structure.....	(62)	84	(16,379)
Total, decreases.....	(62)	84	(16,379)
1996 Base.....	3,223	3,285	330,780
1996 Program Investments.....	51	27	18,896
1996 Request.....	3,274	3,312	349,784 **

* FY 1995 reflects enacted budget level, and does not include adjustments that will be in a forthcoming reprogramming notification.

** Excludes obligations from fines and forfeitures.

Immigration and Naturalization Service
Immigration User Fee
Justification of Adjustments to the Base
 (dollars in thousands)

	Perm. Pos.	Work- Year	Amount
--	---------------	---------------	--------

Adjustments to Base:

Mandatory Increases:

1996 pay raise.....	\$3,285
---------------------	-----	-----	---------

This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$12,820,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$2,362,000 pay and \$923,000 benefits = \$3,285,000).

One Additional Compensable Day.....	543
-------------------------------------	-----	-----	-----

The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits based as well as pay for the additional day (\$391,000 for pay and \$152,000 for benefits).

Annualization and Increase of 1995 Pay Rates.....	4,373
---	-----	-----	-------

This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$3,146,000 for pay and \$1,227,000 for benefits).

Within-Grade Increases.....	1,749
-----------------------------	-----	-----	-------

This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,260,000 for pay and \$489,000 for benefits.

Health Benefits.....	301
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The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$301,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.

\$80 supplemental retirement contributions.....	...	...	216
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to \$80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$216,000 provides for this contribution.			
Foreign allowances.....	...	...	5
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$5,000 provides a 1.7 percent increase over the obligations of \$294,118 which are committed for 1995.			
Accident compensation.....	...	...	85
This increase reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1994 of employees' accident compensation. The 1996 amount will be \$85,000.			
Unemployment compensation.....	...	...	13
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$13,000 is required to meet our commitment to DOL.			
Distributed Administrative Support (DASL).....	...	...	8
Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. DOS advises that a 10-percent increase in foreign operations is anticipated. The increase of \$8,000 is based on a 1995 base availability of \$80,000.			
General pricing level adjustments.....	...	...	528
This request applies OAS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total Mandatory Increases.....	...	...	11,106

Decreases:

Nonrecurring costs of revised 1994 program structure.....
 Nonrecurring costs are associated with 323 positions approved in 1994 for the
 inspections program. These include nonrecurring costs for full-field
 investigations, personal equipment and transfers.

... .. -1,938

Total decreases.....

... .. -1,938

Total, adjustments to the base.....

... .. 9,168

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-14, \$80,925 - 79,200.....	18		18		28		...	...
GS-13, \$51,557 - 67,021.....	52		52		81		29	...
GS-12, \$43,356 - 56,362.....	166		166		142		(24)	...
GS-11, \$36,174 - 47,025.....	29		29		31		2	...
GS-9, \$29,898 - 38,869.....	2,532		2,656		2,637		(19)	...
GS-7, \$24,441 - 31,770.....	72		72		82		(10)	...
GS-6, \$21,965 - 28,562.....	186		186		179		(7)	...
GS-5, \$19,732 - 25,856.....	108		108		108		...	...
GS-4, \$17,637 - 22,925.....	6		6		6		...	...
Total, positions.....	3,141	\$104,032	3,305	\$113,842	3,274	\$119,796	(41)	\$5,954
Pay above stated annual rates.....	...	...	...	...	...	...	...	...
Lapses.....	(875)	(16,330)	(305)	(10,263)	(183)	(10,161)	122	22
Savings due to lower pay scales t. part of year.....	...	...	...	...	...	...	...	...
Net full-time permanent.....	2,486	87,702	3,000	103,539	3,091	109,615	81	6,076
Other than permanent:								
Other part-time and intermittent employment.....	137	5,777	201	11,103	201	12,148	...	1,045
Other personnel compensation:								
Overtime.....	114	3,839	127	4,405	134	4,121	7	(284)
Administratively uncontrollable overtime.....	24	1,655	24	1,671	24	1,695	...	(276)
1931 Act Overtime.....	861	28,598	1,051	34,774	1,108	36,368	57	3,614
Other compensation.....	52	1,908	52	2,234	52	1,823	...	(611)
Special personal services payments.....	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation.....	3,654	127,931	4,455	158,137	4,610	167,601	145	9,464
Average GS/GM Salary.....		(\$30,835)		(\$31,602)		(\$33,451)		(9.00)
Average GS/GM Grade.....		(9.00)		(8.90)		(9.00)		

Immigration and Naturalization Service
Immigration User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1995 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	2,466	\$87,702	3,000	\$103,639	3,091	\$106,815	91	\$5,978
11.3 Other than permanent.....	137	5,777	201	11,103	221	12,148	20	1,045
11.5 Other personnel compensation.....	1,051	34,400	1,318	43,384	1,318	45,827	0	2,443
11.8 Special personnel services payments.....	...	52	...	11	...	11	...	...
Total.....	3,654	127,931	4,519	158,137	4,630	167,601	111	9,464
12.1 Personnel benefits.....	35,969	...	41,835	...	47,481	...	...	5,626
13.0 Benefits to former personnel.....	753	...	1,304	...	1,304	...	...	...
21.0 Travel and transportation of persons.....	4,973	...	29,066	...	29,751	...	...	685
22.0 Transportation of things.....	1,057	...	2,785	...	3,303	...	...	536
23.1 O&A rent.....	4,860	...	9,007	...	9,902	...	...	895
23.2 Rental payments to others.....	737	...	597	...	628	...	...	31
23.3 Comm., utilities and misc. charges.....	3,964	...	4,430	...	6,424	...	...	1,994
24.0 Printing and reproduction.....	610	...	3,027	...	3,097	...	...	70
25.0 Other services.....	62,875	...	79,757	...	60,512	...	...	(13,245)
26.0 Supplies and materials.....	10,153	...	4,652	...	5,098	...	...	446
31.0 Equipment.....	8,458	...	3,475	...	8,133	...	...	438
42.0 Insurance claims and indemnities.....	50	...	...	...	...	...	...	...
44.0 Refunds.....	152	...	...	...	...	...	...	...
91.0 Unvouchered.....	...	...	...	...	...	...	...	...
Total obligations.....	3,654	262,562	4,519	338,032	4,630	349,784	111	11,732
Relation of obligations to outlays:								
Obligated balance, start-of-year.....	...	...	...	...	...	...	...	...
Adjustments in unexpended accounts.....	(7,367)	...	...	...	...	...	...	...
Outlays.....	...	255,195	...	338,032	...	349,784	...	...

Note: Exclude obligations from fines

* A reprogramming notification for FY 1995 is being prepared, which will reduce estimated obligations for 1995. The FY 1995 funding level in this exhibit reflects the enacted level, and not an anticipated lower level that will result from the reprogramming.

Department of Justice
Immigration and Naturalization Service
Immigration Examinations Fee
Estimates for Fiscal Year 1996

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Immigration & Naturalization Service

Immigration Examinations Fee

Summary Statement

Fiscal Year 1996

For 1996, the Immigration and Naturalization Service is presenting a budget request of 4,023 positions, 3,616 workyears and \$304,572,000. This budget submission is at the base level for the programs funded in this account. The Service is in the process of preparing a reprogramming request which is anticipated to increase the resource levels for FY 1995 and which is anticipated to have an impact on the programs' resource levels in FY 1996.

The Immigration Examinations Fee account was established in the Department of Justice Appropriations Act, 1989 (P.L. 100-459). Section 209 of the Act amends 8 U.S.C. 1356 by establishing a separate account into which the Attorney General may deposit adjudication fees collected under the regulations governing INS. All deposits to the account are paid out of this appropriation for expenses in providing immigration adjudication and naturalization services. The resources to be made available are used for adjudication of applications and petitions for benefits under the Immigration and Nationality Act; asylum, refugee, and parole and overseas activities; adjudication-related work performed in other Service and non-Service programs; and to provide necessary support to all of these activities.

In action taken on the appropriation for FY 1995, the Congress amended Section 245 of the Immigration and Nationality Act to allow certain categories of aliens to adjust their status in the United States upon payment of fees for this benefit. This provision has resulted in an increase in workload as well as an increase in resources available to INS for processing these and other applications for immigration benefits. The provision expires at the end of FY 1997.

Immigration and Naturalization Service
Immigration Examination Fee
Comparison of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Request			Congressional Action on			1995 Reprogramming			1995 Appropriation		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Enforcement												
a. Inspections.....	441	438	\$31,162	...	-73	-\$5,647	...	...	...	441	385	\$25,515
b. Investigations.....	100	100	7,792	...	...	-520	...	...	...	100	100	7,272
c. Intelligence.....	8	8	567	...	...	-78	...	...	...	8	8	489
Subtotal.....	549	546	39,521	...	-73	-6,245	...	...	...	549	473	33,276
Citizenship and Benefits												
a. Applications and Naturalization.....	2,132	1,968	150,460	53	-43	-19,284	...	...	...	2,185	1,923	131,176
b. International Affairs and Outreach.....	574	583	51,890	-190	-169	-21,756	...	...	...	384	424	50,124
Subtotal.....	2,706	2,559	202,340	-137	-212	-41,040	...	...	...	2,569	2,347	181,300
Immigration Support												
a. Training.....	22	20	3,229	...	-1	-247	...	...	...	22	19	2,982
b. Data and Communications.....	72	66	36,567	...	-14	-3,143	...	...	...	72	52	33,424
c. Information and Records Mgmt.....	734	785	64,997	41	-60	-6,221	...	...	...	775	725	48,776
d. Construction and Engineering.....	1	1	183	...	...	-14	...	...	...	1	1	169
e. Legal Proceedings.....	49	45	3,800	-11	-15	-853	...	...	...	38	30	2,847
Subtotal.....	878	917	98,776	30	-80	-10,578	...	...	...	908	827	68,198
Program Direction												
a. Management and Administration.....	138	117	12,878	-42	-49	-4,256	...	...	...	96	88	8,323
Total	4,271	4,139	393,216	-149	-424	-62,119	...	...	...	4,122	3,715	291,007

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements
(Dollars in thousands)

(Details in introduction)

Adjustments to base:																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements
(Dollars in thousands)

	1994 Actual	1995 Appropriation Anticipated	1996 Request
Financing			
Unappropriated balance, start of year.....	829,534	843,082	898,870
Receipts.....	299,406	324,716	341,030
Total available for appropriation.....	299,440	387,767	437,700
Appropriation.....	(235,886)	(291,097)	(304,572)
Unappropriated balance, end of year.....	63,052	96,670	133,128
Obligations.....	246,760	291,097	304,572
Recovery of prior year obligations.....	(12,892)	...	...
Total requirements.....	233,868	291,097	304,572
Obligations by program			
Enforcement:			
Inspections.....	11,612	25,515	26,860
Investigations.....	7,039	7,272	7,737
Intelligence.....	472	489	523
Subtotal.....	19,123	33,276	35,110
Citizenship and Benefits:			
Adjudications and Naturalization.....	126,313	131,176	138,104
Immigration and Naturalization.....	36,478	30,124	31,811
Subtotal.....	162,791	161,300	170,015
Immigration Support			
Training.....	2,669	2,962	3,102
Data and Communications.....	11,167	33,424	33,699
Information and Records Management.....	43,135	46,776	50,782
Construction and Engineering.....	616	169	174
Legal Proceedings.....	2,705	2,847	3,043
Subtotal.....	60,314	86,196	90,800
Program Director			
Management and Administration.....	9,552	8,323	8,647
Total obligations.....	246,760	291,097	304,572

Immigration and Naturalization Service
Immigration Examinations / 99
Summary of Resources by Program
(Data in thousands)

Estimates by Account	1984 As Enacted		1984 Actual		1985 Appropriation		1985 Request		Increase/Decrease	
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT
Enforcement										
Inspection	218	182	218	203	218	203	218	203	0	0
Investigation	100	100	100	96	100	100	100	96	0	0
Intelligence	8	8	8	7	8	8	8	8	0	0
Subtotal	326	300	326	306	326	311	326	307	0	0
Citizenship and Service										
Adjudications and Naturalization	2,182	1,880	2,182	2,082	2,182	2,082	2,182	2,082	0	0
Immigration Appeals and Outreach	411	451	411	397	411	424	411	424	0	0
Subtotal	2,593	2,331	2,593	2,479	2,593	2,506	2,593	2,506	0	0
Immigration Support										
Training	22	18	22	40	22	19	22	19	0	0
Legal and Communications	72	82	72	85	72	82	72	82	0	0
Construction and Engineering	77	68	77	76	77	75	77	75	0	0
Legal Proceedings	1	1	1	1	1	1	1	1	0	0
Subtotal	172	169	172	202	172	177	172	177	0	0
Program Director										
Management and Administration	90	92	90	73	90	98	90	98	0	0
Total	3,844	3,487	3,844	3,714	3,844	3,715	3,844	3,715	0	0
Total Workyears										
Other Workyears	31	31	31	31	31	31	31	31	0	0
Overhead	48	48	48	48	48	48	48	48	0	0
Subtotal	79	79	79	79	79	79	79	79	0	0
Total comparable workyears										
	3,923	3,566	3,923	3,793	3,923	3,794	3,923	3,794	0	0

Note: The enacted level shown for 1984 reflects all reprogramming actions approved by the Congress.

Immigration and Naturalization Service
Immigration Examinations Fee
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Enforcement

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	Anticipated		Perm.	Pos.	Amount	Perm.	Pos.	Amount	Pos.	Amount
Inspections.....	441	365	\$25,515	441	365	\$26,850	441	365	\$26,850	...	...
Investigations.....	100	100	7,272	94	94	7,737	94	94	7,737	...	...
Intelligence.....	8	8	489	8	8	523	8	8	523	...	...
Total.....	549	473	33,276	543	467	35,110	543	467	35,110	...	...

This budget activity contains resources dedicated to processing and adjudicating applications for immigration benefits. This activity includes resources for the investigation and apprehension of aliens who have committed major criminal fraud offenses, narcotic trafficking, subversion, terrorism, and alien smuggling and other serious violent criminal activities. Also included is the capacity to examine and analyze documents to assist in the identification, investigation and prosecution of major conspiracies which provide fraudulent documents to aliens.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	Anticipated		Perm.	Pos.	Amount	Perm.	Pos.	Amount	Pos.	Amount
Inspections.....	441	365	\$25,515	441	365	\$26,850	441	365	\$26,850	...	...

LONG-RANGE GOAL: To ensure the correct and expeditious processing and adjudication of applications for immigration benefits transferred to the ports-of-entry from the Service Centers or District Offices or submitted directly to the INS at the land border ports-of-entry.

MAJOR OBJECTIVES:

Adjudicate applications for immigration benefits which are transferred to the ports-of-entry from the Service Centers and District Offices for remote processing, and adjudicate applications for immigration benefits submitted directly to the INS at the land border ports-of-entry.

Adjudicate applications for immigration benefits which are submitted directly to the INS at the land border ports-of-entry.

Investigate and apprehend aliens who commit major criminal fraud offenses, with emphasis on international and transnational alien organisations involved in narcotics trafficking, subversion, terrorism, alien smuggling, and other serious or violent criminal activities.

BASE PROGRAM DESCRIPTION: The function of this program is to detect criminal law violations and identify violators through covert operations and other investigative procedures, and initiate criminal prosecution or administrative action. Many of the cases investigated involve violators associated with large-scale, highly organized criminal conspiracies. Quite often, these criminal alien organizations are simultaneously engaged in other illegal activities such as racketeering, alien smuggling, counterfeiting, prostitution, official corruption, narcotics, weapons trafficking and extortion on an international scale. Special Agents identify these organizations through interviews, the use of informants, surreptitious surveillance, as well as undercover and task force operations. Other major cases investigated involve individual aliens who entered the United States illegally to seek benefits or employment through fraudulent documents. Investigative task force operations concentrate the resources of a local office, or combine the resources of several offices, to identify the members and activities of a criminal organization. Investigations often require the services of subpoenas and search warrants to obtain evidence.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993	1994	1995	Estimate 1996
1. Organizations/ Facilitators Cases				
Completed.....	392	183	300	300
Defendants Prosecuted	205	29	120	120
Cases Completed per workyear.....	4.8	4.7	6	6
2. Individuals				
Cases Completed....	3,099	3,720	2,580	3,500
Defendants Prosecuted	88	69	155	155
Cases Completed per workyear.....	87.9	50.3	51.6	50.0
Deportable Aliens				
Apprehended.....	1,448	2,688	3,840	3,840
Apprehensions per workyear	12.3	25.3	38.4	38.4

Note: Investigative activities conducted in support of the adjudications and naturalization process, were not funded from the Immigration Examinations Fee Account until 1992. The workload increase between 1992 and 1993 reflects the annualization of the 100 positions approved by Congress in 1992 for the investigation program in this account.

The Marriage Fraud Amendments Act and IRCA expanded INS's obligations and ability to detect and deter fraud during the legalization process, the employment eligibility verification process, and the acquisition of legal benefits through spousal and fiancé(e) relationships.

The principal goal of the Fraud Program is to discourage illegal immigration through fraud and to protect the integrity of benefits and documents legitimately provided to authorized aliens by INS. In an effort to accomplish this goal, INS is aggressively targeting for criminal prosecution of complex criminal organizations involved in immigration fraud. One investigation recently completed by INS resulted in the dismantling of one

of the largest counterfeit document manufacturing and distribution organizations in INS history. As a result of this investigation, the INS seized 250,000 fraudulent documents valued at over \$7 million, two printing presses, counterfeit currency, and handguns. Although INS is continuing to pursue investigations targeting counterfeit document manufacturers and vendors, the 1990 enactment of Section 244A of the Act, Temporary Protected Status (TPS), introduced a new variety of immigration benefit fraud requiring that the INS refocus its enforcement efforts to include this expanding area of fraudulent immigration activity.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Intelligence.....	8	8	\$489	8	8	\$523	8	8	\$523	...	...	...

LONG-RANGE GOAL: To develop an international immigration intelligence capability for the collection, analysis and dissemination of information regarding global migration patterns and trends, and provide meaningful intelligence support on a regular basis to INS's operational components for enhanced effectiveness and efficiency of activities associated with the Immigration Examinations Fee account.

MAJOR OBJECTIVES:

Furnish assistance in the detection of fraudulent identity documents to INS components and international law enforcement agencies.

Provide intelligence assistance and support required for maximum operational effectiveness of INS field components associated with providing immigration adjudication and naturalization services.

Provide technical support and assistance in the prosecution of major document counterfeiters, alien smugglers and other violators of the Immigration and Nationality Act and provisions of the Immigration Reform and Control Act (IRCA).

BASE PROGRAM DESCRIPTION: This program provides strategic and tactical intelligence support to service offices enforcing the provisions of the Immigration and Nationality Act, and assist other Federal agencies in addressing national security issues. The Service's Forensic Document Laboratory (FDL) is a critical component of the program. Intelligence support in the Immigration Examinations Fee account contributes to efforts aimed at detecting fraudulent documents and false claims to citizenship and other benefits and privileges.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Intelligence Program in activities related to the Immigration Examinations Fee account are presented in the following table:

Item	1995		Estimate	
	1995	1996	1995	1996
Cases received for examination of fraudulent documents at the FDL	662	1,074	1,100	1,175

Item	1993		1994		1995		1996	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Cases completed for examination of fraudulent documents at FDI		655		1,070		1,090		1,160
Persons trained by FDI in detection of fraudulent documents		63		174		180		190
Activity: Citizenship and Benefits								
1995 Appropriation								
Anticipated								
Perm.								
NY Amount								
Pos.								
Adjudication and								
Naturalization	2,185	1,923	\$131,176	2,110	1,848	\$138,104	-18	-18
International Affairs								
and Outreach	384	424	30,124	384	424	31,911	44	44
Total	2,569	2,347	161,300	2,494	2,272	170,015	-18	-18
This budget activity includes resources for the payment of specific expenses necessary to adjudicate applications and petitions for benefits provided under the Immigration and Nationality Act and to naturalize eligible aliens in a timely, efficient and equitable manner. It also includes resources for the payment of expenses necessary for the processing of claims for asylum and refugee status and for the Service's overseas program.								
1996 Request								
Perm.								
NY Amount								
Pos.								
Adjudications and								
Naturalization	2,185	1,923	\$131,176	2,110	1,848	\$138,104	-18	-18
Total	2,185	1,923	\$131,176	2,110	1,848	\$138,104	-18	-18
LONG-RANGE GOAL:								
The overall goal of Adjudications program operations is to provide for and facilitate the efficient, timely and correct processing and adjudication of applications and petitions for immigration benefits. This includes the administration of naturalization and citizenship provisions, as well as all other applications for benefits under the Immigration and Nationality Act and related statutes, including the Immigration Act of 1990.								
MAJOR OBJECTIVES:								
Assure that applications for benefits are processed in a prompt, efficient and courteous manner without undue burden to the public, ensuring that benefits are granted for those entitled to them under the laws and denied to those applying fraudulently or who are otherwise ineligible for such benefits.								
Attain and maintain a current workload in adjudicating applications and petitions for benefits provided by law.								

Attain and maintain currency in naturalization and citizenship cases.

Manage resources in response to workload so that applicants will receive decisions of consistent quality and timeliness in all geographic jurisdictions of the Immigration and Naturalization Service.

Provide automated capabilities to INS Service Center and district office operations to achieve currency, quality, consistency, equity, and efficiency in accomplishing the objectives detailed above.

BASE PROGRAM DESCRIPTION: The function of this program is to process, adjudicate, and ultimately grant or deny applications and petitions for benefits provided under the Immigration laws. Adjudications activities include processing applicants for permanent resident status, petitions for relatives, worker's applications, reentry permits, refugee travel documents, and extensions of temporary stay. Naturalization activities include the examination of aliens to determine their qualifications for naturalization, issuance of citizenship documents, appearances of Service officials before naturalization courts, and the conduct of administrative naturalization ceremonies.

The INS Adjudications and Naturalization program operates in field offices located throughout the country and in four Service Centers located in California, Texas, Vermont, and Nebraska. Applications for immigration, nationality and citizenship benefits, and for naturalization are received and adjudicated by a corps of Immigration officers (examiners), and adjudications support personnel. District offices adjudicate cases involving personal appearances by petitioners or applicants. The Service Centers concentrate on cases which can be processed without individual appearances and which benefit from volume processing and a production-oriented environment where the Immigration officers can conduct their review without interruptions caused by telephone inquiries and by meetings with applicants.

PROGRAM CHANGES:

	1995 Base		1995 Request		Increase/Delta	
	Fed.	NY	Fed.	NY	Fed.	NY
Adjudication and Naturalization.....	2,110	1,048	\$138,104	2,092	1,830	\$138,104 -18 -18
						...

The Immigration Examinations Fee account is fully-funded by fees collected from individuals applying for benefits under the provisions of the Immigration and Nationality Act. A forthcoming reprogramming notification for FY 1995 is being prepared that will increase both receipt and spending levels of this account. This reprogramming will allow INS to enhance its naturalization and immigration services activities, process existing backlog, and address the new increase in workload that resulted from recent legislative changes.

ACCOMPLISHMENTS AND WORKLOAD:

ADJUDICATIONS WORKLOAD SUMMARY						
	1990	1991	Actual 1992	1993	1994	Estimated 1995
RECEIPTS:						
INITIAL RECEIPTS	2,863,428	3,359,869	4,230,536	4,507,586	4,152,062	4,370,734
BEGINNING PENDING ADJUSTMENT			(8,081)		(3,354)	
WORKLOAD IN PROCESS - IN	392,580	383,725	1,023,041	940,554	724,412	762,564
COMPLETIONS:						
SERVICE CENTERS	929,520	1,215,539	1,710,968	2,269,314	2,257,539	2,355,000
FIELD OFFICES	1,296,988	1,502,087	1,859,415	1,605,684	1,320,788	1,486,381
ADN PROGRAM SUBTOTAL	2,226,508	2,717,626	3,570,383	3,874,998	3,578,327	3,841,381
PORTS OF ENTRY	744,782	661,757	621,985	415,899	346,891	340,000
WORKLOAD IN PROCESS - OUT	502,277	336,852	967,825	1,130,408	630,528	639,427
TOTAL COMPLETIONS	2,871,300	3,378,363	4,162,368	4,280,897	3,925,028	4,181,381
						4,977,717
END OF YEAR PENDING:						
SERVICE CENTERS	82,411	160,501	181,447	195,306	463,399	617,936
PORTS OF ENTRY	46,015	34,082	21,509	6,421	4,868	4,512
FIELD OFFICES	412,404	373,606	452,086	482,033	533,257	503,365
TOTAL	540,830	568,189	655,042	683,760	1,001,324	1,125,815
						601,951
						5,989
						308,721
						917,661

Footnote:

The Service Centers resumed removing casework to ports-of-entry in the second quarter of 1994. Although these cases will continue to be handled initially at the Service Centers, the number of annual completions will drop by approximately 175,000 cases as the Centers as a result of remote processing. In 1993 the Service Centers began providing support for the asylum program by receiving applications, requesting additional information when applications are not complete, entering data in the asylum processing database, and setting up files. This support continues through 1996.

Although District Office productivity is expected to improve in both FY 1995 and FY 1996, the total number of completions will decrease as the least complex applications are transferred to Service Center responsibility (beginning 4th quarter 1995), leaving only the more complex (and therefore more time-consuming) cases in the District Offices.

The workload data presented for Fiscal Years 1995 and 1996 is based on productivity supported by increased resources, which will be requested in a reprogramming being prepared for submission.

	1995 Appropriation		1995 Base		1995 Request		Increase/Decrease	
	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated	Perm.	Anticipated
International Affairs	384	424	384	424	384	424	384	424
and Outreach.....	384	424	384	424	384	424	384	424

LONG-RANGE GOAL: To approve qualified applicants for refugee status and for admission into the United States; adjudicate petitions, asylum applications and other applications for benefits under the Immigration and Nationality Act (INA); and verify claims on applications and petitions by conducting immigration investigations. Coordinate and implement overseas enforcement initiatives directed against illegal immigration, fraud, and related activities. Establish beneficial liaison with host governments, United States agencies and others to ensure mission-related information sharing.

MAJOR OBJECTIVES

Coordinate with United States missions abroad and represent United States immigration policy interests and concerns to foreign governments, international organizations, and private voluntary agencies.

Receive and adjudicate applications for persons requesting entry into the United States as refugees in accordance with the INA and yearly consultations between the President and Congress.

Adjudicate applications and petitions for benefits applied for under the INA from individuals seeking admission into the United States as immigrants.

Promptly and consistently adjudicate asylum claims from aliens who are not in exclusion or deportation proceedings.

Provide planning, coordination, review, and evaluation of the Service's asylum program.

Establish relationships conducive to the collection and dissemination of information of importance to the United States.

BASE PROGRAM DESCRIPTION: The function of this program is to adjudicate refugee applications, process parolees, conduct investigations for preference and relative visa petitions, and conduct other records checks and background investigations as required at overseas service offices. Officers assigned to this program provide assistance to citizens and lawful permanent residents abroad regarding adoptions, immigration or parole of alien spouses and children, and other benefits into the U.S. for deserving individuals, and coordinate with the Coast Guard on the asylum screening process of the Alien Migrant Interdiction Program.

The Refugee Act of 1980 created a statutory basis for asylum in the United States and made withholding of deportation of those who qualify mandatory rather than discretionary. While Congress, in passing the Act, established a statutory definition of "refugee", it did not legislate a specific method by which claims for asylum or withholding of deportation were to be adjudicated. Rather, the Congress directed that the Attorney General establish the necessary procedures for such adjudication. Interim regulations were published in June 1980 and remained in effect until superseded by new asylum regulations signed by the Attorney General, were

published as a final rule in the Federal Register on July 27, 1990, and took effect on October 1, 1990.

Asylum interviews can only be conducted by members of the Asylum Officers Corps (AOC). The Asylum Officers are centrally managed from the INS Headquarters and are located at seven sites throughout the country. These officers also travel throughout the nation performing asylum interviews. Support activities at the seven sites and Headquarters are provided by clerical personnel who perform data updates, mail file, and correspondence work. A quality control function is performed by supervisory personnel located on site and by Asylum Officers at Headquarters.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the International Affairs and Outreach program are presented in the following table:

Item	1992	1994	1995	Estimate 1996
Refugee Applications:				
Pending beginning.....	18,238	15,028	11,267	11,267
Received.....	137,786	127,502	130,000	130,000
Completed.....	136,996	131,263	130,000	130,000
Pending end.....	18,028	11,267	11,267	11,267
Adjudications:				
Pending beginning.....	5,919	7,658	10,489	10,489
Received.....	24,593	28,038	24,500	24,500
Completed.....	23,854	25,207	24,500	25,500
Pending end.....	7,658	10,489	10,489	9,489
Investigations:				
Pending beginning.....	1,803	1,915	1,897	1,897
Received.....	4,801	4,832	4,800	4,800
Completed.....	4,889	4,850	4,850	4,900
Pending end.....	1,915	1,897	1,897	1,797
Parole:				
Receipts/Completed.....	3,859	3,895	4,500	4,500
Asylum Adjudications:				
Pending beginning.....	137,046	219,014	342,305	400,305
Received.....	103,964	163,556	130,000	190,000
Completed.....	21,997	40,265	72,000	136,000
Pending end.....	219,014	342,305	400,305	454,305

Explanation:

Asylum receipts in 1992 reflect the filing of applications by 60,000 direct registrants under the American Baptist Churches v. Thornburgh (ABC) settlement agreement. The Deferred Enforced Departure (DED) program extended TPA for 190,000 Salvadoran registrants. These individuals will qualify for ABC at the end of the DED program. It is expected that they will file for asylum during 1994.

Asylum completions in 1992 were expected to be significantly higher but asylum officers were diverted to the Guantanamo Bay Naval Base in Cuba to pre-screen Haitians interdicted by the U.S. Coast Guard. During 1992 the

AOC and Headquarters personnel participated in the processing of Haitian nationals interdicted by the U.S. Coast Guard. Under this process, the AOC conducted pre-screening interviews and made case determinations. At times more than one third of the AOC was detailed to Guantanamo Bay, Cuba, for this high-priority operation. AOC personnel also performed the quality assurance procedures for this program. Headquarters personnel were detailed to Cuba to oversee and coordinate service operations with other government agencies who were involved in the effort. As of September 17, 1992, the AOC conducted 36,396 pre-screening interviews during this operation.

Accomplishments:

Enforcement Activities:

In coordination with the Department of State, the Coast Guard, and the Department of Justice, the Office of International Affairs and Outreach was an active participant in work with foreign governments in monitoring the movement of Mainland Chinese being smuggled to the U.S. and their repatriation.

A case involving Chinese smugglers provides an example of successful interagency coordination. Working closely with domestic offices, the INS' overseas office provided valuable information and assisted in the collection of evidence for U.S. Attorneys which led to the indictment and arrest in 1991 of the major Chinese boat smugglers. Information leading to action against these individuals indicated that they controlled approximately 80 percent of all boat smuggling operations from the People's Republic of China (PRC). The overseas offices have since reported that PRC boat smuggling activities dropped significantly since the arrests.

At the request of the Department of State, the Service placed an immigration officer in Karachi, Pakistan, to investigate fraudulent document schemes, provide technical assistance, and deter smuggling rings targeting U.S. international airports. The work of this officer and other personnel in the INS Rome District Office appear to be having an impact on the volume of male fake travelers originating in Pakistan, based on third and fourth quarter 1993 data.

During the summer of 1993 overseas officers provided fraudulent document training to 2,723 foreign government, airline, and host country airport personnel. These training and liaison efforts resulted in over 2,142 interceptions of male fake travelers enroute to the U.S. Failure to intercept these aliens would probably have resulted in increased inspection and detention costs, as well as abuse of the asylum process.

Refugee Processing:

In mid-February 1992, the Service began the in-country processing of Haitian refugee applicants. From the beginning of the program through September 30, 1994, INS officers had interviewed a total of 15,689 cases (19,956 persons). Of these, 1,989 cases (6,226 persons) were given preliminary approval for refugee status. As of September 30, 1994, 3,766 Haitians had traveled to the U.S. during FY 1994 under the in-country processing program.

Beginning in the fourth quarter of FY 1994, the interview rate in Moscow was lowered from 84 to 48 interviews per day. At this reduced rate, INS officers expect to approve approximately 19,700 refugee applicants from the 15 republics of the former Soviet Union by the end of the fiscal year. As in recent years, Moscow approval rates remain above 94 percent. The relatively small numbers of persons denied refugee status are often offered

public interest parole as a means of coming to the United States.

Events in the former Republic of Yugoslavia created a new refugee flow which continued through FY 1994. The INS has responded to this action by making "circuit rides" to several locations to interview applicants. As of September 30, 1994 7,088 Bosnian refugees had been admitted to the U.S. The interview of Bosnian refugee applicants will continue in 1995.

During 1994, INS personnel continued processing Vietnamese under the Orderly Departure Program, approving 34,900 during the course of the fiscal year. Efforts are being made to complete interviews of all eligible former reeducation camp prisoners by the end of FY 1995.

Asylum Processing:

In 1993 the Department of Justice Management and Planning Staff completed a study of the asylum system and the Department convened a working group comprised of staff from several INS divisions, the Executive Office of Immigration Review, and members of non-governmental organizations to discuss reform of the asylum processing system. Streamlining procedures to increase productivity and elimination of the filing of abusive claims were two primary goals of the reform process. The working group identified several major changes which have been recommended to the Commissioner and the Attorney General for incorporation into the FY 1994 procedures. The Asylum Division intends to make policy and procedural revisions and begin implementation of some recommendations during FY 1994. The revised procedures streamline the process so that asylum applicants who are interviewed receive final decisions on their claims within 180 days of the filing of their applications.

With the implementation of the new regulations, all affirmative asylum claims are reviewed by members of the Asylum Officer Corps. The eight asylum offices are centrally managed from INS Headquarters to ensure consistency and quality decision making, timely review, and consistent application of standards. The role of Asylum Officers has been modified with the reform and streamlining of the asylum processing procedures. The Officers conduct a non-adversarial review and, upon completion of their review, grant asylum or refer the case to the Immigration Judges of the Executive Office for Immigration Review.

Resource Information Center:

In FY 1993 the Resource Information Center (RIC) made significant progress toward fulfilling its mission of providing asylum and refugee adjudicators with credible perspectives on human rights conditions in refugee-producing countries. Several information products (both electronic and printed) were conceived and implemented. Research covered the top twenty refugee-producing countries of interest to the U.S. Definite progress was made in updating and expanding the electronic databases which provide rapid access to thousands of pages of information. A specific database was developed and installed in Haiti and refugee adjudicators were trained in its use. Similar country-specific databases were assembled for use by Refugee Officers in the Rome District Office.

The RIC library collection was expanded with the addition of material dealing with "in country" conditions as well as other reference material needed by the asylum officers. Progress was made in the sharing of electronic information with the Canadian government, the leading governmental producer of human rights information, and the Center for Documentation on Refugees (U.N. High Commissioner on Refugees) in Geneva, Switzerland. It is anticipated that these efforts will continue in FY 1995.

Parole Processing:

Beginning in July 1992, humanitarian parole adjudication authority was delegated to the District Directors in Bangkok, Mexico City and Rome. Public interest parole authority remains under Headquarters. During 1994 Headquarters and the three districts adjudicated 3,895 parole cases.

Activity: Immigration Support

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Training.....	22	19	\$2,982	22	19	\$3,102	22	19	\$3,102	...	...
Data and Communi-											
cation.....	72	52	33,424	72	52	33,699	72	52	33,699	...	...
Information and											
Records Management	775	725	48,776	775	725	50,782	775	725	50,782	...	...
Construction and											
Engineering.....	1	1	169	1	1	174	1	1	174	...	...
Legal Proceeding....	38	30	2,842	38	30	3,043	38	30	3,043	...	...
Total.....	908	827	88,196	908	827	90,800	908	827	90,800	...	...

This activity includes the resources for communications, records management, automated data processing, legal proceedings and the alien documentation program.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Training.....	22	19	\$2,982	22	19	\$3,102	22	19	\$3,102	...	...

LONG-RANGE GOAL: To establish and maintain an employee development system that meets the needs of management and individual employees funded through the Immigration Examinations Fee account.

MAJOR OBJECTIVES:

To provide administrative support to the basic training of all new recruits and advanced technical training for journeyman officers, and develop updated curricula for the basic and journeyman training programs associated with the Immigration Examinations Fee activities.

BASE PROGRAM DESCRIPTION: The function of the Training program is to provide the staff and the resources necessary to maintain an employee development program that meets the diverse training needs of this agency's workforce. Training requirements are identified annually and are revised, as needed, due to new regulations, legislation, or organizational needs. The program is accomplished in a variety of ways: through in-service training at the Federal Law Enforcement Training Center facilities (FLETC) at Glynco, Georgia (basic officer

training) and at Artesia, New Mexico (Journeyman officer training); through programs conducted by other Federal agencies; by private contractors; or in combined presentations using Service and non-Service resources.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
Data and												
& Communications	72	52	\$33,424	72	52	\$33,699	72	52	\$33,699	...	...	...

LONG-RANGE GOAL: To improve and maintain automated and electronic technical support to increase the capability, efficiency and effectiveness of INS's operational, administrative and managerial functions; provide a comprehensive and coherent framework for the acquisition and management of information systems resources pursuant to the Strategic and Tactical Plans for Information Systems; provide the optimal level of automation support; provide communications to support all of INS's information needs; produce and issue alien identification documents (ID) and provide an automated ID verification system; provide radio and electronic equipment and systems to support INS's law enforcement functions; promote the electronic sharing of information with other Federal agencies to reduce the paperwork burden to both the public and INS; and provide technological guidance in support of all INS operations.

MAJOR OBJECTIVES:

Install, operate and maintain INS's major examinations support systems throughout the Service.

Improve the quality, reliability, interoperability, maintenance, and accessibility of existing information systems.

Design, develop and implement improved ADP-based systems and databases related to the Immigration Examinations Fee Account.

Ensure the cost effectiveness of new systems through the use of contemporary techniques for quantifying and justifying ADP systems and databases.

Improve the efficiency and effectiveness of voice and data communications throughout the Service as related to the Immigration Examinations Fee account.

Provide office support for word processing, local tracking, analysis, and electronic mail.

Provide a consistent and integrated technology infrastructure to all INS field offices.

Provide an effective equipment maintenance, replacement and upgrade program to ensure effective continuity of operation of data, communications and electronic capabilities as related to the Immigration Examinations Fee account.

BASE PROGRAM DESCRIPTION: The function of this program is to provide direct support to the Service's operational programs as well as administrative support functions in the areas of ADP, radio, and electronics.

systems. This includes: (1) improving the effectiveness and efficiency of service functions through the use of computer resources for information processing; (2) providing for the operation of data and communications networks; and (3) maintaining the cost effective production and issuance of secure alien identification cards.

ACCOMPLISHMENTS AND WORKLOAD: The Data and Communications program workload is best expressed in narrative form since program efforts directly contribute to increasing the productivity and effectiveness of operating programs. Accomplishments include the following:

Benefits Systems. The Computer Linked Application Information Management System (CLAIMS) integrates the individual casework-oriented software subsystems that support the processing of applications and petitions for immigration benefits. CLAIMS is operational at all four service centers, the Administrative Appeals Office and the Baltimore District Office. In the past four years, CLAIMS has contributed to more than an 80% increase in adjudication productivity at INS Service Centers. Plans in FY95 include establishing an electronic interface between the Service Centers and the Immigration Card Facility (ICF) completing the Naturalization Casework System (NACS) data entry into CLAIMS, beginning NACS reengineering, upgrading the public response system, and installing CLAIMS into additional District Offices. Beyond FY95, INS will continue to deploy CLAIMS to additional districts and sub-offices. INS will also reengineer and enhance the system to incorporate the Marriage Fraud Amendment Act System (MFAS) as well as an automated adjudications capability including the electronic capture of information and complete NACS reengineering.

Office Automation Infrastructure. In pursuit of a comprehensive office automation infrastructure, the INS identified a standard office automation platform and awarded its largest ever acquisition to support its deployment service-wide. The goal of this initiative is to provide the INS workforce with the basic office automation capabilities to effectively and efficiently communicate initiatives, share data, and produce professional products that support customers' needs. In FY95, a site implementation list was developed and site surveys began on the southwest border and at key high-volume locations throughout the U.S. The service expects that by the end of FY95, it will have completed infrastructure installation at 103 sites (17% of INS sites), providing service to 45% of the INS workforce. In FY96, the infrastructure will be installed and/or initiated at 205 sites (33% of INS sites), thus bringing this service to a total of 88% of the INS workforce.

Biometrics Identification Systems. IDENT is INS's fingerprint-based identification subsystem that will be used by INS law enforcement and benefits systems to assist in the positive identification of persons who are arrested as well as those who apply for benefits, including the identification of travelers referred to secondary processing and for automated inspection. IDENT will serve as the front end to a central INS fingerprint repository. The system currently being prototyped in the San Diego Border Patrol Sector has measured recidivism for the 30-day period (ending 1/16/95) at 33%. During FY96 INS will begin service-wide implementation of IDENT, establishing the central site and approximately 234 remote sites, each outfitted with Automated Booking Stations (ABS).

Corporate Database. The INS is completing plans for the enhancement of INS corporate data assets by re-engineering existing data repository systems to streamline access to alien information. This initiative will ensure that data collected is correct and will follow the same naming and attribute standards across all systems requiring use of the data. An interface refinement for existing INS index systems has been completed. INS plans to develop and deploy a Common User Interface that provides a front end to existing INS systems as a means to ensure data collection integrity and to streamline access to alien information. Plans are also underway to test the kiosk concept for forms distribution.

Financial and Administrative Systems. The INS Financial and Administrative Management Systems Initiative includes the development, implementation, and maintenance of financial and administrative applications providing decision support information on INS workload, manpower and financial resources. INS received approval to pursue this initiative in June 1994. Since that time, the Service has improved its financial and administrative services systems by implementing an acquisitions management system to streamline the procurement process; developed an ACP equipment inventory system to maintain property accountability and to facilitate the acquisition of cost-effective maintenance services; completed development of a debt-collection module in pursuit of establishing a comprehensive debt management system; initiated development of a personnel-action tracking system to reduce the paper-intensity and manual nature of personnel action; and modernized the vehicle fleet: a record-keeping system to streamline maintenance and accounting activities. During FY95 INS will continue to complete requirements analysis and select a vendor to install, operate and maintain the core financial and administrative system. During FY96 INS will implement the core system, commence data conversion efforts, create interfaces and continue system configuration efforts.

INS International Network Communications (INSINC). INSINC is the Service's data communications network that provides telecommunications services to INS facilities worldwide, and there is an ongoing effort to upgrade facilities and prepare for the implementation of new technologies and protocols to support operations. In FY94, INS began establishing field operating capabilities at INS offices throughout Headquarters, Region One, Region Four, and Region Five. This direction is based on requirements of new distributed systems using client-server and imaging technology. It will require the development of new procedures and standards for the exchange of information between offices. INSINC contingency plans were also developed and talks are being held with U.S. Sprint for improved incident detection and recovery. During FY95, INS will complete its migration from the BSC protocol and, where appropriate, continue to transition existing sites to Switched Digital Integrated Service (SDIS) and upgrade the data communications staff's INSINC network access and diagnostic capabilities. During FY96, the INS will continue its migration to router and other work will continue as the new infrastructure is deployed and the expansion of the foreign office network will continue at a rate of seven offices per year. Also, as a follow-on to the successful FY94 pilot test of video teleconferencing technology for conducting deportation hearings, the Service will pursue a contract to provide video integration services for this and other anticipated video teleconferencing initiatives (e.g., examinations and asylum operations).

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease		
	Anticipated											
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Information and												
Records Management	775	725	\$48,776	775	725	\$50,782	775	725	\$50,782			

LONG-RANGE GOALS: To provide complete and accurate information in a timely and professional manner to the service, other Federal and local government agencies, and the public on immigration procedures, statistics, and other information; to provide support to INS' operating components and other United States law enforcement agencies, as well as State and local governments seeking information on aliens. To ensure the integrity of automated and manual data generated by INS information systems (contractor and in-house); ensure efficient records management in the life cycle of records; and apply principles of information engineering and modeling that contribute to cost-saving and efficiency efforts in the area of data integration.

Improve mail and correspondence management practices by increasing efficiency and reducing and/or holding mail costs to a minimum, and continue to initiate and implement standards for uniform and effective correspondence throughout INS as related to the Examinations Fee account.

MAJOR OBJECTIVES:

Ensure Servicewide compliance with the Freedom of Information and Privacy Acts (FOIA/PA). Develop an automated FOIA/PA Case Management System to reduce processing time by at least 25% for improving customer service.

Ensure Servicewide compliance with the Paperwork Reduction Act of 1980.

Provide analytical and technical expertise on statistical matters, and statistics upon which to base policy decisions.

Respond to live assistance telephone inquiries from the public through the telephone service centers, telephonic forms requests from the public through forms distribution centers, and written inquiries.

Develop and install advanced automated telephone systems to improve the public's access to immigration information.

Respond to information and status requests from INS operating components, other Federal, State and local government agencies, and the public.

Work with the Data and Communications Systems program to improve the control, accountability and availability of INS's manual and automated records through improved systems and procedures, and provide training, and technical and operational assistance in the maintenance of manual and automated records systems.

Contribute to the development of the most efficient/cost effective use of manual and automated records systems and resources and ensure that INS responsibilities related to automated records systems contribute to the quality and integrity of the system databases.

Ensure the accurate, timely, effective and efficient issuance, dissemination and distribution of Service regulations, directives, operating instructions and forms.

Improve INS workload data and productivity measurement systems and ensure timeliness, accuracy, quality and completeness of all INS statistical data.

Establish and maintain liaison with Federal and State agencies, and national and international organizations involved in the collection and/or analysis of immigration related statistics.

Improve the Systematic Alien Verification of Entitlements (SAVE) program to allow the Service to fully support the needs specified in agreements between the /AVI program and Federal, State and local agencies.

BASE PROGRAM DESCRIPTION: The functions of this program are to (1) provide responses to inquiries from the public and private sectors, local, state and Federal agencies, and the various branches of government, by telephone, in-person, and in writing, (2) maintain alien records and files from which data may be readily

obtained to respond to requests from both in and outside the Service; (3) develop guidelines, policies and procedures and responses to FOIA/PA requests; (4) compile, analyze and evaluate statistics for use in preparing regular and special reports about Service operations; (5) provide for the coordination, development, preparation and review of the Service's regulations, directives, operating instructions and forms, to ensure that these materials are issued and published in accordance with established Federal regulations and laws; and (6) monitor and ensure internal compliance to standards for systems and Service delivery.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Information and Records Management program are presented in the following table:

Item	1993	1994	Estimate	
			1995	1996
Information Services				
Inquiries--				
Correspondence				
On-Hand, BOY.....	14,623	28,412	25,932	25,932
New Receipts.....	336,922	364,000	400,400	400,400
Completions.....	343,133	376,480	417,040	417,040
On-Hand, BOY.....	38,412	25,932	9,292	9,292
Telephones				
Immigration Info Tel				
System.....	4,775,567	5,073,100	5,346,200	5,345,200
Immigration Telephone				
System (Other).....	208,182	187,400	168,500	168,500
IMS "800" Telephone				
System.....	526,226	552,203	867,800	867,800
In Person				
Appl. Processed	1,076,344	1,077,900	1,181,000	1,181,000
Forms Center Operations				
Public Form Requests...	444,080	365,870	550,000	550,000
Records Services--				
Completions				
Files Created.....	674,268	712,345	685,000	685,000
Record Verification...	535,071	634,139	569,600	569,600
Files Trans & Request				
from others/PRC's....	1,078,114	1,017,252	952,000	952,000
Files Connection.....	1,601,277	1,488,470	1,126,000	1,126,000
Refiles.....	2,059,525	1,635,381	1,559,000	1,559,000
Mail Processing.....	5,819,270	5,640,612	6,100,000	6,100,000
Records Operations--				
Contract at Srva Ctr...	22,105,000	30,686,993	35,000,000	35,000,000

Item	1993	1994	1995	1996
FOIA/PA Requester:				
On-Hand, BOI.....	9,356	6,550	5,881	7,381
New Receipts.....	47,264	27,943	30,333	32,000
Completions.....	4,764	28,612	28,833	32,166
On Hand, BOI.....	6,550	5,881	7,381	7,215

To improve customer service, a direct toll free "800" line for the public to request various applications/petitions will be installed at INS Forms Centers.

The Alien Files Accountability and Control System (AFACS) has now been installed at 54 sites. At present, 37 file control offices (FCO's) are operating under Local Area Networks (LANs), 13 FCO's have mini-computer networks, and four have PC stand-alone systems. By the end of 1994, the population of alien files under control of AFACS was expected to approximately 95 percent of all active alien files. With the expansion also came a conversion of the AFACS platform to a LAN environment, connected to the national systems through its interface with the Central Index System. The functionality of AFACS has been enhanced to include tracking and processing of receipt files (called RNFACS).

An electronic Document Imaging Prototype System has also been developed. It is comprised of optical disk storage devices, an optical scanner (for imaging and character recognition capabilities), bar code technology, and electronic image transmission. The prototype effort, previously tested in a laboratory environment, is now in the process of an evaluation in a operational setting. There is seen as a possible alternative to certain labor-intensive data entry and data/image retrieval operations. The imaging and optical character recognition capabilities will directly support the image storage and data collection phase of the Information Architecture (IA). As INS moves away from reliance on paper files, the AFACS platform will play a relational support role by providing an index between electronically imaged files and the location of the hard copy files.

A new system of filing Alien Files was implemented during the second half of 1992. It is called the Responsible Party Filing System (RPFS). This system was an enhanced use of existing AFACS/RNFACS technology at the field offices to increase productivity. The prototype test of the new filing system was implemented at the Philadelphia District Office. Evaluation of the new system during the test has revealed increased productivity over the Terminal Digit System which is currently in use at most INS field offices. The RPFS is now in use at 28 field offices as of January, 1995.

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease	
	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	Per. Amount	
Construction and Engineering.....	1	\$169	1	\$174	1	\$174	...	...
LONG RANGE GOAL: To provide adequate facilities for all INS operating units in the Immigration Examinations Fee Account so that they can fulfill their requirements to administer the Immigration and Nationality Act.								

MAJOR OBJECTIVES:

Construct, alter and maintain effective, safe, energy conserving, and attractive facilities.

BASE PROGRAM DESCRIPTION: The function of this program is to provide for the acquisition, design, construction, alteration, repair, maintenance, and management of all buildings, structures, and facilities for which the service is the owning or leasing agency. Space is acquired through the General Services Administration (GSA), by lease and by INS construction.

ACCOMPLISHMENTS AND WORKLOAD: The Construction and Engineering program projects 68 Requests for Space (SF-81/144) will be sent to GSA in 1995. These SF-81/144 requests are increases in space, decreases in space, relocations of offices, revisions to existing space, consolidation of operations, and GSA-mandated moves.

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Per.	MX	AMOUNT	Per.	MX	AMOUNT	Per.	MX	AMOUNT	Per.	MX
Legal Proceedings	38	30	\$2,847	38	30	\$3,043	38	30	\$3,043	...	...

LONG-RANGE GOAL: To provide legal representation for the U.S. Government in all cases and matters related to the Immigration Examinations fee account.

MAJOR OBJECTIVES:

To provide legal support and representation in regard to asylum, rescission, naturalization, visa petition and adjustment of status cases.

BASE PROGRAM DESCRIPTION: INS attorneys represent the Service in asylum, rescission, naturalization, visa petition, and adjustment of status cases.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the program are presented in the following table:

Item	1993		1994		Estimate 1995	
	Per.	MX	Per.	MX	Per.	MX
Cases Prepared.....	19,013		20,606		20,600	
Attorney Appearance for Administrative Relief in Asylum Cases.....	18,927		20,684		20,690	
Other Administrative Relief	23,530		18,030		18,030	
Rescission Cases.....	439		385		360	
Legal Briefs Prepared.....	1,628		1,393		1,390	
Legal Consultations.....	11,155		9,277		9,180	
Total Work Units.....	74,692		70,446		70,450	

Activity: Program Direction

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease	
	Perm.	MX	Perm.	MX	Perm.	MX	Perm.	MX
Management and Administration...	96	68	96	68	96	68	...	...
	EOA.	Amount	EOA.	Amount	EOA.	Amount	EOA.	Amount
		\$8,323		\$8,647		\$8,647		

This activity provides for the overall administration and management of the Service.

LONG RANGE GOAL: To formulate and coordinate meaningful and consistent management policies and direction in the Immigration Examinations Fee Account throughout all levels of the Service; to provide management direction to field units that implement major policy and management decisions for more than one program; and to provide the full range of administrative support services to all programs on a timely basis in compliance with laws, policies, and external and internal requirements.

MAJOR OBJECTIVES

Provide for continuity, and control of the overall management and administration of INS.

Direct implementation of Service-wide policy and ensure its effective and uniform application.

Provide management direction to field units on implementation of INS policy and initiatives.

Improve agency responsiveness through continued enhancement of management systems including:

- o Maintaining and refining delegations of authority and requirements for accountability for National policy direction, regional implementation, and district and sector execution, including appropriate control of resources;

- o Continuing to emphasize and institutionalize INS's system of goals and objectives with further integration between mission and priority planning and system of resource allocation and control; and continuing rapid development of information systems to meet the needs of management and immigration policy formulation.

Provide program direction for the personnel, equal opportunity, budget, accounting, procurement, property management, and support services.

Provide policy guidance and review of fee supported activities of the Service.

Ensure integrity of fee supported activities through audits and program reviews.

Provide vehicle support services.

Provide for the full range of security, safety and health support activities.

BASE PROGRAM DESCRIPTION: The functions of this program are: (1) To provide management direction and support for the implementation and operation of regional and field activities and functions to those managers and supervisors who are responsible for and exercise authority over multiple programs; (2) To execute the provisions of the Immigration and Nationality Act and related policies through the development and implementation of immigration programs and the management of resources; and (3) To provide for the development, implementation, operation and evaluation of administrative support systems and services that meet internal, regional and managerial needs and externally mandated requirements. Included in this program are duties related to providing executive direction and control of the Service; furnishing accurate and prompt responses to Congressional and public inquiries; administering internal investigations, providing budgeting and financial management systems, performing audits, conducting internal investigations, providing informational responses to frequent inquiries of OAO, OIG, OMB and Departmental offices, and developing and evaluating policies and systems to improve the effectiveness of service programs. The major administrative functions within the program include: personnel, accounting, equal employment opportunity, procurement, property management, fleet management, security, safety and health, and other miscellaneous general services that support all programs within INS.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Management and Administration program are presented in the following table:

Item	1993	1994	Estimate	
			1993	1994
Personnel: 1/				
Personnel Actions.....	18,715	20,000	20,000	20,080
Number of Persons Hired..	744	1,314	2,014	2,114
Position Classification				
Requests.....	322	435	435	435
Position Review Requests.	1,890	3,015	3,015	3,015
Formal Grievances.....	93	100	100	120
Adverse and Disciplinary				
Actions.....	280	275	275	285
Unfair Labor Practice				
Charges.....	95	90	90	100
Financial: 2/				
Bills.....	4,800	5,000	5,350	5,850
Vouchers.....	39,000	41,000	44,000	44,000
Equal Employment Opportunity				
Office:				
Regional Offices, Districts				
Sectors and Service Centers	205	950	950	1,900
on-site evaluations...				
Training-supervisors,				
Employees and Collateral	105	1,100	1,100	2,200
Duty employees.....	46	110	110	150
Number of Complaints Filed				

- 1/ In 1993, a greater than normal increase in the number of personnel actions processed occurred due to:
(1) the projected increase in the size of the workforce based on the Attorney General's 1992 hiring initiative for the Service and (2) implementation of the organizational changes in both the operations and management organizations resulting from the 1992 Department-approved Service-wide reorganization.
- 2/ These statistics are for the workload in the Examinations Fee Account only. In some cases, the nature of the workload being measured does not allow for breakdown by account. This decision unit supports all programs Service-wide and a single action will often include Salaries and Expenses, Examinations Fee and Inspections User Fee activities.

Immigration and Naturalization Service
Immigration Examinations Fee
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996	
			Base	Program Increases
Attorneys (905).....	32	32	32	...
Asylum Officer (930).....	154	154	154	...
Paralegal Specialist (950).....	4	4	4	...
Other Legal and Kindred (900-999).....	483	483	483	...
Contact Representative (982).....	323	323	323	...
General Enforcement & Support (1800-1899).....	897	870	870	...
Criminal Investigators (1811).....	100	100	94	...
Immigration Inspectors (1816).....	241	441	441	...
Immigration Examiners (1816).....	498	558	558	...
Other Miscellaneous Occupations (01-099).....	2	2	2	...
Social Sciences, Economics and Kindred (100-199).....	7	7	7	...
Personnel Management (200-299).....	28	28	28	...
General Administrative and Clerical (300-399).....	1,033	1,050	975	-18
Accounting and Budget (500-599).....	30	30	30	...
Information and Arts Group (1000-1099).....	5	5	5	...
Business and Industry Group (1100-1199).....	10	10	10	...
Mathematics and Statistics Group (1500-1599).....	1	1	1	...
Education Group (1700-1799).....	14	14	14	...
Supply Group (2000-2099).....	11	11	11	...
Other (WG).....	3	3	3	...
Total.....	3,875	4,122	4,041	-18
Washington.....	166	166	166	...
U.S. Field.....	3,614	3,888	3,807	-18
Foreign Field.....	95	88	88	...
Total.....	3,875	4,122	4,041	-18
				4,023
				166
				3,789
				88
				4,023

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Change 1995 – 1996
(Dollars in thousands)

	Perm. Pos.	Work – years	Amount
1995 Appropriation anticipated.....	4,122	3,715	\$291,097
Adjustments to base:			
Streamlining.....	(81)	(81)	...
Mandatory increases:			
1996 Pay Raise.....	...	...	3,446
One Additional Compensable Day.....	...	...	772
Annualization and Increase of 1995 Pay Raise.....	...	...	4,971
Within – grade increases.....	...	...	2,473
Health Benefits.....	...	...	425
\$80 Supplemental Retirement Contributions.....	...	...	306
Foreign Allowance.....	...	...	9
Accident Compensation.....	...	...	99
Unemployment Compensation.....	...	...	26
Distributed Administrative Support (DAS).....	...	...	209
General Pricing Level Adjustments.....	...	...	739
Total, mandatory increases.....	...	...	13,475
1996 Base.....	4,041	3,634	304,572
Program changes.....	(18)	(18)	...
1996 Request.....	4,023	3,616	304,572

Immigration and Naturalization Service
Immigration Administration Fee
Justification of Differences to the Base
(Dollars in thousands)

	Perm. Pos.	Work- Year	Amount
Adjustments to Base			
Mandatory Increases			
1996 pay raise.....	\$3,446
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$3,446,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$2,479,000 pay and \$967,000 benefits = \$3,446,000).			
One Additional Compensable Day.....	772
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits based as well as pay for the additional day (\$555,000 for pay and \$217,000 for benefits).			
Annualization and Increase of 1995 pay raise.....	4,971
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$3,576,000 for pay and \$1,395,000 for benefits).			
Within-Grade Increases.....	2,473
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$1,779,000 for pay and \$694,000 for benefits.			
Health benefits.....	425
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$425,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			

SSO Supplemental retirement contributions.....	...	...	306
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$306,000 provides for this contribution.			
Foreign allowances.....	...	...	9
Allowances for Government employees in foreign areas are determined by the Department of State (DOS). The requested increase of \$9,000 provides a 1.7 percent increase over the obligations of \$529,412, which are committed for 1995.			
Accident compensation.....	...	...	99
This increase reflects the billing provided by the Department of Labor (DOL) for the actual costs in 1994 of employee's accident compensation. The 1996 amount will be \$99,000.			
Unemployment compensation.....	...	...	220
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$220,000 is required to meet our commitment to DOL.			
Distributed Administrative Support (DAS).....	...	...	8
Under the Foreign Affairs Administrative Support agreement an annual charge is made by the DOS for administrative support items. The amount of this charge is determined by the DOS. DOS advises that a 10-percent increase in foreign operations is anticipated. The increase of \$8,000 is based on a 1995 base availability of \$80,000.			
General pricing level adjustments.....	...	...	2,362
This request applies OHS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total Mandatory Increases.....	...	...	13,475
Total, adjustments to the base.....	...	...	13,475

**Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)**

	1994 Actual		1995 Appropriation		1995 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-1-6, \$92,900-\$115,700.....	2	...	2	...	2	...	...	...
GS-15, \$71,664-\$93,168.....	32	...	34	...	34	...	...	...
GS-14, \$60,925-\$79,200.....	142	...	152	...	152	...	...	...
GS-13, \$51,557-\$67,021.....	242	...	259	...	252	...	-7	...
GS-12, \$43,356-\$56,362.....	903	...	968	...	918	...	-52	...
GS-11, \$36,174-\$47,025.....	441	...	476	...	463	...	-13	...
GS-10, \$32,928-\$42,608.....	8	...	9	...	8	...	-1	...
GS-9, \$29,898-\$39,669.....	283	...	303	...	284	...	-9	...
GS-8, \$27,060-\$35,185.....	216	...	232	...	225	...	-7	...
GS-7, \$24,441-\$31,770.....	319	...	342	...	332	...	-10	...
GS-6, \$21,995-\$29,692.....	722	...	774	...	774	...	...	...
GS-5, \$19,732-\$25,656.....	310	...	332	...	332	...	...	...
GS-4, \$17,637-\$22,925.....	52	...	56	...	56	...	...	...
GS-3, \$15,711-\$20,429.....	7	...	7	...	7	...	...	...
GS-2, \$14,396-\$18,115.....	16	...	17	...	17	...	...	...
GS-1, \$12,806-\$16,015.....	4	...	4	...	4	...	...	...
Wage Grade.....	4	...	4	...	4	...	...	...
Total positions.....	3,844	\$122,462	4,122	\$131,316	4,023	\$130,162	-99	-\$1,154
Lapses.....	-484	-8,089	-569	-10,530	-569	-10,039	...	640
Net full-time permanent.....	3,360	114,373	3,553	112,786	3,454	120,143	-99	7,357
Other than permanent.....	...	...	...	...	...	...	...	...
Temporary employment.....	354	10,026	182	6,075	182	6,469	...	394
Other personnel compensation.....	...	...	...	...	...	...	...	...
Overtime.....	202	5,630	352	9,821	352	10,461	...	640
Special personal services payments.....	...	...	...	...	...	...	...	...
Total workyears and personnel compensation.....	3,816	130,026	4,067	128,774	3,968	137,103	-99	8,329
Average GS/GM Salary.....	6.76	...	6.81	...	6.76	...	...	...
Average GS/GM Grade.....	(\$20,654)	...	(\$27,402)	...	(\$20,909)	...	...	...

Immigration and Naturalization Service
Immigration Examinations Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	3,360	\$114,373	3,553	\$112,768	3,454	\$120,143	-99	\$7,355
11.3 Other than full-time permanent.....	354	10,026	162	6,075	162	6,469	...	394
11.5 Other personnel compensation.....	202	5,630	352	9,821	352	10,461	...	640
11.8 Special personnel services payments.....	...	...	...	90	...	90	...	...
Total, workyears and personnel compensation.....	3,916	130,029	4,067	128,774	3,968	137,163	-99	8,389
12.1 Civilian personnel benefits.....	32,350	...	34,884	...	39,022	...	4,138	...
13.0 Benefits for former personnel.....	1,123	...	1,665	...	1,665	...	...	...
21.0 Travel and transportation of persons.....	2,128	...	6,322	...	6,322	...	...	...
22.0 Transportation of things.....	862	...	1,065	...	1,113	...	28	...
23.1 Rental Payments to GSA.....	17,313	...	16,814	...	16,814	...	...	...
23.2 Rental payments to others.....	1,422	...	1,257	...	1,276	...	19	...
23.3 Communications, utilities & misc. charges.....	5,118	...	8,821	...	8,988	...	167	...
24.0 Printing and reproduction.....	2,718	...	3,792	...	3,796	...	46	...
25.0 Other contractual services.....	42,856	...	77,692	...	77,901	...	209	...
26.0 Supplies and materials.....	10,614	...	5,118	...	5,547	...	429	...
31.0 Equipment.....	2,002	...	4,814	...	4,884	...	50	...
32.0 Land and structures.....	28	...	...	...	...	...	...	...
42.0 Insurance claims and indemnities.....	37	...	10	...	10	...	...	...
44.0 Refunds.....	180	...	69	...	69	...	...	...
91.0 Unvouchered.....	1	...	...	...	...	...	...	...
Total obligations.....	3,816	248,760	4,067	291,097	3,968	304,572	-99	13,476
Relation of obligations to outlays:								
Obligations.....		248,760		291,097		304,572		13,476
recovery of prior year obligations.....		-12,892		...		...		...
Outlays.....		235,868		291,097		304,572		13,476

Department of Justice
Immigration and Naturalization Service
Land Border Inspection Fee
Estimates for Fiscal Year 1996

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Immigration and Naturalization Service

Land Border Inspection Fee

Summary Statement

Fiscal Year 1996

The Land Border Inspection Fee account was authorized in Section 210 of the Department of Justice Appropriations Act, 1991 (P.L. 101-515). The Act authorizes the Attorney General to establish, by regulation, pilot projects under which fees may be charged at one or more land border ports-of-entry to study the feasibility of charging fees to provide inspection services at land border ports-of-entry. The regulations indicate that the projects may include the establishment of commuter lanes to be made available to pre-qualified United States citizens and aliens.

The Immigration and Naturalization Service (INS) is operating one site in Blaine, Washington. In 1994, an additional dedicated commuter lane (DCL) was opened at Point Roberts, Washington. In the Spring of 1995 the Detroit Tunnel DCL and the Ambassador Bridge DCL in Detroit are expected to be open. The first DCL on the southern border is planned for late 1995, located at Otay Mesa, California. Land Border Inspection Fee funding has been used for such items as personnel, overtime, equipment, and minor facility modifications.

The original authorization for the Land Border Inspection Fee Project terminated on September 30, 1993. The Department of Justice Appropriations Act, 1994 (P.L. 103-121) extended the Land Border Fee Pilot Project to September 30, 1996 for projects on the northern border of the United States only. In conjunction with action taken on the FY 1995 budget request, the Congress changed this prohibition to allow the Service to implement projects on the California/Mexico border.

Considerable benefit to the traveling public in the States of Arizona, New Mexico, and Texas can be derived through the use of dedicated commuter lanes as well as other means of expediting inspection traffic. In view of this, the Administration is proposing that the Congress remove the remaining prohibition regarding projects on the Southwest border.

Immigration and Naturalization Service						
Land Border Inspection Fee						
Crosswalk of 1995 Changes						
(Dollars in thousands)						
Activity/Program	1995 President's			Reprogrammings		1995 Appropriation
	Budget Request 1/					Anticipated
	Pos.	WY	Amt.	Pos.	WY	Amt.
Enforcement						
Inspections	...	30	\$1,584	...	...	30 \$1,584

1/ Includes GSA Rent and procurement savings.

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	Pos.	WY	Amount
1995 Appropriation anticipated.....	...	30	\$1,584
Mandatory increase.....	81
1995 base.....	...	30	1,665

	1995 Appropriation Anticipated			1995 Base			1995 Request			Increase/Decrease		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Estimates by budget activity												
Enforcement:												
Inspections.....	...	30	\$1,584	...	30	\$1,645	67	63	\$5,985	67	33	\$4,320

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements
(Dollars in thousands)

	<u>1994 Actual</u> <u>Amount</u>	<u>1995 Appropriation</u> <u>Anticipated</u> <u>Amount</u>	<u>1996 Request</u> <u>Amount</u>
Financing			
Unappropriated balance, start of year.....	\$769	\$338	\$1,246
Receipts.....	716	1,892	4,952
Total available for appropriation.....	1,485	2,830	6,238
Appropriation.....	(547)	(1,584)	(5,965)
Unappropriated balance available, end of year.....	938	1,246	273
Obligations by program			
Enforcement:			
Inspections.....	547	1,584	5,965
Total obligations.....	547	1,584	5,965

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**Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Resources by Program
(Dollars in thousands)**

	1984 as Enacted			1984 Actual			1985 Appropriation			1985 Base			1989 Request			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Estimates by SOURCE																		
Enforcement:																		
Inspection:	30	1,500	81,500	10	847	30	1,544	30	81,544	30	1,645	67	63	89,945	67	33	84,320	
Total:	30	1,500	81,500	10	847	30	1,544	30	81,544	30	1,645	67	63	89,945	67	33	84,320	
Other Workyears:																		
Overtime:	3			3		3		3		3		3	10		7			
Total compensable workyears:	33			13		33		33		33		73	73		40			

**Immigration and Naturalization Service
Land Border Inspection Fee
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)**

Activity: Enforcement

	1995 Appropriation			1996 Base			1996 Request			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
	Pos.			Pos.			Pos.			Pos.	

Inspections..... 30 \$1,584 ... 30 \$1,645 67 63 \$5,965 67 33 \$4,320

LONG-RANGE GOAL: Ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

MAJOR OBJECTIVES:
Establish Land Border Inspection Fee Pilot projects that will expand the number of inspectors at specific test locations, facilitate traffic flow, and provide more efficient service to the public.
Inspect applicants for admission into the United States.

Prevent the entry of inadmissible applicants through ports-of-entry.

Detect fraudulent documents including those representing false claims to United States citizenship or permanent residence status and seize conveyances used for illegal entry.

Process and adjudicate applications for benefits submitted directly to the INS at land border ports-of-entry.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the Inspections program are presented in the following table:

Item	1993	1994	1995	1996	
				Base	Request
Vehicles Inspected-Land					
Border Fee (DCL).....	620,421	702,621	2,000,000	2,000,000	2,000,000
Applications Processed-					
Land Border Fee.....	...	11,617	97,100	97,100	97,100

Explanation: During 1991, INS developed the initial test prototype for the Blaine, Washington port-of-entry. The Blaine commuter prototype involves, on an annual basis, issuance of special express lane decals to an estimated 20,000 vehicles. These vehicles are low risk frequent crossers and represent an average of 23 percent of the total

vehicle traffic processed annually at Blaine. Permit vehicles are funnelled through special express lanes to allow for more efficient processing into the United States.

The first Dedicated Commuter Lane (DCL) in Blaine, Washington, opened on June 15, 1991. The actual crossings for 1991 were 56,290. During 1994, the number of participants in Blaine rose as did the frequency of crossing, with the number of vehicle crossings reaching 702,621.

In 1995 and 1996 work with the Customs Service will continue with the opening of three additional projects in 1995. Should eight DCLs be open, such crossings would rise to approximately 4,000,000. Projected DCL receipts totaling an estimated \$2,427,000 contained in this budget request for 1995 are based on 97,100 fee-paying participants at multiple pilot locations on the Northern border.

Based on an analysis of the results of the Blaine commuter test, INS believes that further use of the Land Border Fee concept is warranted. While the DCL can be used to facilitate traffic at ports-of-entry, it is not practical to implement DCLs at every port-of-entry. Considerations for determining DCL locations include: availability of a low-risk, frequent border crossing population; adequate infrastructure, such as roads and additional lanes, that will permit implementation without negative impact on existing inspection lanes while providing the desired expedited service to the target population; and local community support. Additional test projects will be selected and developed in conjunction with the Customs Service.

Use of special express facilities by commuters, staffed and equipped with resources collected through the collection of a \$25 annual fee, is expected both to improve service to the frequent crossers and alleviate the traffic load passing through the main port requiring full inspection.

The DCL Program enables local frequent border crossers who choose to participate in the pilot project to move quickly across the international border into the United States. At the same time, by removing this population from the regular lanes, higher risk crossers, along with persons who cross less frequently or who may be applying for entry into the United States, can then be given increased scrutiny. This sorting system enables all lanes to move more quickly and steadily, and enhances service to the public by improving both facilitation of entry and increased enforcement capability.

Program Changes

	1996 Base		1996 Estimate		Increase/Decrease	
	Pos.	NY Amount	Pos.	NY Amount	Pos.	NY Amount
Inspections	...	30	\$1,645	67	63	\$5,965
					67	\$3
						\$4,320

To meet the overall goal of fully facilitating the flow of low-risk traffic while intensifying the inspection of high risk traffic, INS will test new technologies, automated equipment, and revised inspection processes and procedures. In brief, INS is reinventing the way it does business at land border ports-of-entry. An investment of 67 positions and \$4.3 million is requested to begin implementation of this goal in FY 1996. The source of funding for the FY 1996 investments will be from fees collected for the various facilitation passes.

Dedicated Computer Lane (DCL) Program

This program enables low-risk, frequent border crossers who apply and are approved for participation in the program to transit the border through a specific vehicle traffic lane with an abbreviated inspection process (currently, a windshield decal and visual inspection). The Service has successfully operated a DCL project in Blaine, WA since 1991.

Blaine's success led to planning for additional DCL sites. In 1994 the Service completed work with the Customs Service on a comprehensive memorandum of understanding (MOU) which will support joint planning and implementation of additional projects. In 1995, there will be three Northern border DCL sites in operation - Blaine, WA; Point Roberts, WA; and, Detroit, MI (Detroit Tunnel and Ambassador Bridge).

For 1996, INS proposes establishment of five new Northern border sites (tentatively: Niagara Falls, NY (Rainbow); Massena, NY; Thousand Islands, NY; Derby Line, VT; and Houlton, ME) and two new Southern border sites (tentatively: Calexico, CA; and, San Ysidro, CA) for DCLs that will be funded by fees. The DCLs will facilitate legal commuter traffic while enabling existing staff to devote a greater percentage of primary lane hours to processing both general traffic and increasing enforcement efforts.

The extension of the Land Border Fee Pilot Project in the Department of Justice and Related Agencies Appropriations Act, 1994 (P.L. 103-121) prohibited projects on the Southern border. This prohibition was modified in the 1995 Appropriations Act to allow DCL projects in California. Since there are other ports on the Southern border at which DCLs could be created to facilitate traffic (i.e., El Paso, TX (Yaleta); Laredo, TX (Convent); and Hidalgo, TX), the Administration is proposing that the Congress eliminate the remaining legislative prohibition regarding Southern border DCL sites.

In addition, the Service is proposing that Congress eliminate the "sunset" provision in the authorization of the land border pilot projects. The DCL project at Blaine, WA has become a permanent component of INS operations at that port-of-entry and has demonstrated its value in the facilitation of traffic through the POG.

Automated Permit Ports

The Automated Permit Port (APP) program will allow the entry of pre-screened local border residents through selected Northern border ports-of-entry by means of an automated access system during periods when the port is closed to general traffic. The program would be utilized at low-volume, limited-hour, low-risk locations on the Northern border, using different forms of automated technology (such as voice verification systems, video inspection systems, card access systems, hand geometry, or other forms of biometric) depending on specific location requirements. The use of automation will extend POG hours of operation for selected border crossers. The Service is well along in planning for the first APP at Scobey, MT. It is now anticipated that the construction and testing of the APP will be completed in the Spring of 1995, at which time participants will be enrolled.

In addition to Scobey, six other automated permit ports are being planned for FY 1995 on the Northern border. The planned locations are: Ambrose, ND; Pinecreek, MN; Boundary, WA; Noyes, MN; Piegan, MT; and, Morse's Line, VT.

This effort will be expanded in FY 1996 by adding 6 additional ports, tentatively: Hannah, ND; Saries, ND; Sherwood, ND; Ophelm, MT; Willow Creek, MT; and, East Richford, VT.

Immigration and Naturalization Service
Land Border Inspection Fee

Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Border Enforcement & Management Inspections	
	Pos.	Amount
Grades		
GS-9.....	67	\$2,052
Total positions and annual rate.....	67	2,052
Other personnel compensation.....	7	298
Lapse (-).....	(34)	(1,026)
Total workyears and personnel		
Compensation.....	40	1,324
Personnel benefits.....		317
Travel and transportation of persons.....		127
GSA Rent.....		483
Comm., utilities, and misc charges.....		32
Other services.....		585
Supplies and materials.....		70
Equipment.....		1,382
Total program workyears and obligations changes requested, 1996.....	40	4,320

Immigration and Naturalization Service
Land Border Inspection Fee
Detail of Permanent Positions by Category
Fiscal Years 1994 – 1996

Category	1994	1995	1996
	Authorized	Authorized	Program Increases Total
Immigration Inspectors (1816)			67
Total			67
U.S. Field			67
Total			67

Immigration and Naturalization Service

Land Border Inspection Fee

Summary of Change
(Dollars in thousands)

	WY	Amount
1995 Appropriation anticipated.....	30	\$1,584
Annualization of 1995 pay raise.....	..	38
Within-grade increases.....	..	18
Health Benefits.....	..	3
\$80 required "Buyout payment to OPM.....	..	2
General Pricing Level Adjustments.....	..	2
1996 Base.....	30	1,645
Program changes.....	33	4,320
1996 Request.....	63	5,965

Immigration and Naturalization Service
Land Border Inspection Fee
Justification of Adjustments to the Base
(Dollars in thousands)

	Perm. Pos.	Work- Year	Amount
--	---------------	---------------	--------

Adjustments to Base:

Mandatory Increases:

Annualization and increase of 1995 pay raise.....	...	...	\$36
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$26,000 for pay and \$10,000 for benefits).			

Within-Grade Increases .....	...	...	18
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$13,000 for pay and \$5,000 for benefits.			

Health benefits.....	...	...	3
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$3,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.			

\$80 supplemental retirement contributions.....	...	...	2
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$2,000 provides for this contribution.			

General pricing level adjustments.....	...	...	2
This request applies OMB pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies,			

materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	...	...	61
Total Mandatory Increases.....	...	...	61
Total, adjustments to the base.....	...	...	61

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-9, \$29,989 - \$38,869 .....	...	...	...	...	67	\$2,052	67	2,052
Total positions .....	...	...	...	...	-34	(1,026)	(34)	(1,026)
Lease .....	...	...	...	...	33	1,026	33	1,026
Net full-time permanent	10	\$246	30	\$927	30	962	..	35
Other than permanent .....	...	...	...	...	10	421	7	302
Temporary employment .....	...	...	3	119	10	421	7	302
Other personnel compensation	10	43	33	1,046	73	2,409	40	1,363
Overtime .....	...	269	...	...	...	...	...	...
Total, workyears and personnel compensation .....	...	...	...	...	...	...	...	...

Immigration and Naturalization Service
Land Border Inspection Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent	33	\$1,028	33	1,028
11.3 Other than permanent
Other part-time and intermittent employment	10	\$246	30	\$927	30	962	...	35
11.5 Other personnel compensation
Overtime	43	3	119	10	421	7	302
Total, workyears and personnel compensation	10	289	33	1,046	73	2,409	40	1,363
12.1 Personnel benefits
21.0 Travel	62	...	191	...	528	...	337
22.0 Transportation of things	9	...	58	...	165	...	127
23.1 GSA rent	1	...	...	...	...	...	...
23.2 Rental payments to others	483	...	483
23.3 Communications, utilities	5	...	3	...	3	...	...
24.0 Printing	32	...	32
25.0 Other services	10	...	...	...	...	...	...
26.0 Supplies and materials	78	...	92	...	677	...	585
31.0 Equipment	53	...	91	...	162	...	71
Total obligations	40	...	103	...	1,486	...	1,383
Relation of obligations to outlays
Obligations	10	547	33	1,584	73	5,965	40	4,381
Outlays
Obligations	547	...	1,584	...	5,965	...	5,965
Outlays	1,584	...	5,965	...	5,965

Department of Justice
 Immigration and Naturalization Service
 Breached Bond/Detention Fund
 Estimates for Fiscal Year 1996

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Immigration and Naturalization Service
Breached Bond/Detention Fund

Summary Statement

Fiscal Year 1996

The Breached Bond/Detention Fund was authorized in Section 112 of the Department of Justice Appropriations Act, 1993 (P.L. 102-395). The Act amends Section 286 of the Immigration and Nationality Act of 1952, as amended, by establishing in the General Fund of the Treasury a separate account known as the Breached Bond/Detention Fund. All breached cash and surety bonds, in excess of \$8,000,000, posted under the Immigration and Nationality Act of 1952, as amended, which are recovered by the Department of Justice are deposited as offsetting receipts into the Fund. Amounts deposited into the Fund remain available, until expended, to the Immigration and Naturalization Service for expenses incurred in the collection of breached bonds and for expenses associated with the detention of illegal aliens.

The Immigration and Naturalization Service (INS) uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and limited number of Treasury bonds or notes). These bonds become contracts between INS and persons acting on aliens' behalf (obligors) who promise their appearances. Under a cash bond, an obligor deposits the entire amount in cash with INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and if the alien fails to appear as required, the surety is liable to INS for the breached bond amount.

The authorization for the Service to retain these resources has provided the agency with the means to effect improvements in bond processing and debt management. In 1996, resources will be used to support the detention of criminal and illegal aliens, to continue bond management and collection activities, to support the use of litigation to obtain compliance from surety companies found delinquent in meeting their responsibilities to the INS, and to continue the operation of automated systems to support these activities.

**Immigration and Naturalization Service
 Preached Bond/Detention Fund
 Crosswalk of 1995 Changes
 (Dollars in thousands)**

Activity/Program	1995 President's Budget Request 1/			Reprogrammings			1995 Appropriation		
	Pos.	WY	Amt.	Pos.	WY	Amt.	Pos.	WY	Amt.
1. Enforcement:									
a. Detention and Deportation.....	32	32	\$2,209	...	...	...	32	32	\$2,209
2. Immigration Support:									
a. Legal Proceedings.....	4	4	365	...	...	...	4	4	365
3. Program Direction:									
a. Management and Administration.....	12	12	3,628	...	...	...	12	12	3,628
Total.....	48	48	6,200	48	48	6,200

1/ Includes reductions for GSA Rent and procurement.

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Immigration and Naturalization Service
Enriched Bond/Overhead Fund
Summary of Requirements
(Dollars in thousands)

	1985 Appropriation		1986 Base		1986 Request		Increase/Decrease		Perm. Work - Pos. Yr. Amount
	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	Perm. Pos.	Amount	
<u>Adjustments to base:</u>									
1985 appropriation anticipated.....									48 48 84,200
Mandatory increases.....									.. .. 158
1986 base.....									48 48 6,388
<u>Estimates by budget activity</u>									
1. Enforcement.....	32	82,200	32	82,300	32	82,300	..	..	..
2. Immigration Support.....	4	385	4	378	4	378	..	..	..
3. Program Direction.....	12	3,628	12	3,671	12	3,671	..	..	..
Total.....	48	86,200	48	86,388	48	86,388	..	..	..

Immigration and Naturalization Service
Breached Bond/Detention Fund
Summary of Requirements
(Dollars in thousands)

	1994 Actual	1995 Appropriation Anticipated	1996 Request
Financing			
Unappropriated balance, start of year.....	\$4,461	\$4,098	\$4,198
Collections.....	15,820	14,300	14,300
Total available for appropriation.....	20,281	18,398	18,498
Transfer to the General Fund of the U.S. Treasury...	(9,000)	(9,000)	(9,000)
Available receipts.....	12,281	10,398	10,498
Appropriation.....	(8,183)	(6,200)	(6,358)
Unappropriated balance available, end of year.....	4,098	4,198	4,140
Obligations	8,186	6,200	6,358
Recovery of prior years obligations.....	(3)	..	..
Requirement.....	8,183	6,200	6,358
Obligations by program			
Enforcement:			
Detention and Deportation.....	7,328	2,189	2,309
Immigration Support:			
Legal Proceedings.....	237	364	378
Program Direction:			
Management and Administration.....	623	3,637	3,671
Total obligations.....	8,186	6,200	6,358

Immigration and Naturalization Service
Enriched Bond/Deportation Fund
Summary of Expenses by Program
(Values in thousands)

	1994 Actual			1995 Appropriation Anticipated			1996 Base			1996 Request			Increase/Decrease	
	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY	Am.	Pos.	WY
Estimates by Program														
Enrichment	32	26	\$7,457	32	...	\$7,328	32	32	\$2,200	32	32	\$2,300	...	...
Deportation and Deportation	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Immigration Support	4	4	359	4	2	237	4	4	365	4	4	378	...	...
Legal Proceedings	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Program Direction:														
Management and Administration	12	12	3,574	12	9	623	12	12	3,620	12	12	3,871	...	...
Total obligations	48	42	11,380	48	11	8,186	48	48	6,200	48	48	6,358	...	...
Other work years:														
Overruns	2	2	...	2	1	...	2	2	...	2	2	...	...	...
Total compensable work years	44	44	...	44	12	...	44	44	...	44	44	...	...	...

1/ Reflects all approved reprogramming actions.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Enforcement

	1995 Appropriation		1995 Base		1996 Request		Increase/Decrease	
	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.	Perm.	Pos.
	WX	Amount	WX	Amount	WX	Amount	WX	Amount

Detention and	32	22	\$2,209	32	32	\$2,309	32	32	\$2,309	...	...	...
Deportation.....												

LONG-RANGE GOAL: To detain, until ready for removal aliens who are subject to exclusion or deportation proceedings and who are likely to abscond or represent a danger to public safety and security. Maintain and further develop a system that ensures that every case involving a deportable or excludable alien is processed expeditiously and that the alien is removed from the United States when appropriate, and to collect debts owed to the Federal government.

MAJOR OBJECTIVES:

Provide for the safe and secure detention, in Service operated or contract facilities, of aliens under exclusion or deportation proceedings in custody for a hearing before an immigration judge.

Take necessary administrative steps to assure the collection of breached bonds in those cases where aliens, previously released on cash or surety bonds, do not appear for scheduled hearings.

BASE PROGRAM DESCRIPTION:

Detention and Deportation program personnel, located in Service field offices, process all required documents needed to issue cash or surety bonds to permit the release of aliens in deportation or exclusion proceedings. These personnel are also responsible for reviewing aliens' files and taking appropriate actions to cancel bonds when their provisions have been satisfied and to breach bonds in the event that the aliens do not appear as required.

ACCOMPLISHMENTS:

During 1994 the Detention and Deportation program received funding for alien travel and detention costs as well as bond management costs. It is anticipated that in 1995 and 1996 resources will continue to be committed to bond management in the field offices and for alien travel and detention costs.

1995 Appropriation
Anticipated

	Anticipated		1996 Base		1996 Request		Increase/Decrease			
	Perm. Pop.	MY Amount	Perm. Pop.	MY Amount	Perm. Pop.	MY Amount	Perm. Pop.	MY Amount		
Legal Proceedings..	4	4	4	\$365	4	4	\$378	4	4	...

LONG-RANGE GOAL: To provide legal representation for the United States Government in all cases and matters involving proceedings related to the Immigration and Nationality Act and INS's debt collection activities.

MAJOR OBJECTIVES:

Provide legal support and representation in proceedings involving the collection of debts owed to the Federal government.

BASE PROGRAM DESCRIPTION:

These attorneys represent the Service in the courts in litigation being conducted in debt collection actions, in meeting their financial responsibilities to the Federal government. These attorneys undertake significant legal actions to collect sizeable debts from surety companies who issue immigration delivery and exclusion bonds.

ACCOMPLISHMENTS:

During 1994 the Legal Proceedings program continued efforts to collect delinquent debts from surety companies. In 1995 and 1996 it is anticipated that litigation involving delinquent companies will continue.

Activity: Program Direction

	1995 Appropriation Anticipated		1996 Base		1996 Request		Increase/Decrease	
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount
Management and Administration...	12	12 \$3,626	12	12 \$3,671	12	12 \$3,671	...	...

LONG-RANGE GOAL: To create an opportunity incentive to collect the maximum amount in breached bonds and use the collections to perfect the forfeiture process, offset the costs of collection, and provide resources for the detection of illegal aliens.

MAJOR OBJECTIVES:

Direct implementation of Servicewide policy as it relates to collection of breached bonds and ensure its effective and uniform application.

- Establish a system to track, report, and bill breached surety bonds posted by aliens.
- Continue improvements in the forfeiture and collection process to allow increased resources to be directed toward the detention of criminal and other illegal aliens.

BASE PROGRAM DESCRIPTION:

The inability of the Immigration and Naturalization Service (INS) to collect the resources owed through the breaching of surety bonds and bankruptcy of surety companies represents the largest single loss of revenue to the Service's debt collection efforts. The General Accounting Office (GAO) has criticized the INS debt management efforts, stating that the Service did not know the total amount of debts due, including the total amount of breached bonds. The report further stated that a major problem in the collection of these debts was the lack of automated systems and the lack of fiscal accountability. The report noted the existence of outmoded accounting systems, weak internal controls, and a lack of emphasis on financial management.

The weaknesses in accounting systems, internal controls, and financial management, noted above, are compounded by the complexity of the immigration and exclusion bond process. The Service uses immigration delivery and exclusion bonds as a means of ensuring that illegal aliens appear at deportation and exclusion hearings. Aliens in custody of INS may be released on their own recognizance or through the posting of delivery bonds, which are either cash or surety bonds (and limited number of Treasury bonds or notes). These bonds become contracts between INS and persons acting on aliens' behalf (obligors) who promise their appearances. Under a cash bond, an obligor deposits the entire amount in cash with INS. If the alien fails to appear as scheduled, the bond is breached and the Government retains the amount of the posted bond. Under a surety bond, the surety (insurance) company guarantees the amount of the bond and if the alien fails to appear as required, the surety is liable to INS for the breached bond amount. The surety company is billed for the bond amount, and interest and penalties are assessed on past due amounts. INS also uses other types of bonds such as Public Charge Bonds. However the majority of bonds issued are delivery bonds.

Immigration delivery bonds are posted on behalf of detained aliens in deportation proceedings. Immigration exclusion bonds are posted on behalf of aliens in exclusion proceedings. (These differ from immigration delivery bonds in the following ways: (a) the sections of law governing the exclusion proceedings of the beneficiary; (b) the limited ability of an alien in exclusion proceedings to seek administrative redetermination of the amount of the bond (An alien in deportation proceedings may seek redetermination of the amount of bond before an Immigration Judge.); and, (c) the ability of an alien in exclusion proceedings to convert an exclusion bond to a maintenance of status and departure bond in the event that the alien is admitted to the U.S. as a non-immigrant. An alien who has posted a delivery bond may not convert that bond to another type of bond.)

Bonds remain in effect until one of the following occurs: (a) the alien for whom the bond is being posted departs the United States in compliance with an administrative grant of voluntary departure or with a court order; (b) the alien's proceedings are terminated by the Executive Office for Immigration Review (EOIR); (c) the alien has acquired legal immigration status resulting in his or her no longer being subject to custody conditions; (d) the alien is deceased and evidence of death is provided to the INS office having the jurisdiction over the case; (e) a new bond has been posted to replace an existing bond; (f) the expiration of constructive custody authority; or, (g) the bond is breached. The bond is declared breached when a Notice of Demand has been served on the obligor, and the obligor fails to deliver the alien to the Service in accordance with the demand. The Notice specifies the date, time, and location to which the alien is to be delivered.

ACCOMPLISHMENTS:

The Service has been addressing the debt issue by developing the INS Debt Collection System (DCOS) and the Bond Management Information System (BMIS). The system is designed with a centralized bond data base, access to all major organizational levels, on-line updates, quick response times, the ability to make ad hoc inquiries, a wide range of bond information, and interface capability with other systems (National Fines Office, Deportable Alien Control System, Central Index System, Debt Collection System) sharing common data.

In 1994, the DCOS core system became operational nationwide. A number of system enhancements were identified. A statement of work has been executed to complete one of the major enhancements, the billing module, during 1995. Additional requirements and system design reviews of the BMIS were completed in 1994. System development progressed slower than planned due to an impending change in contractual staff.

The collection of delinquent debts, particularly breached bonds, continued to be a high management priority. Currently many surety companies are delinquent in their payments to INS. The Service has a large backlog of outstanding surety bonds because of poor collection practices. The INS has begun to address this weakness. Sustained efforts will be required to reduce the backlog. It is anticipated that eliminating the backlog will take several years. When this backlog has been addressed, it is expected that bond collections will decline to a level which reflects the continuous activity of breaching and collecting bonds as part of an efficient, redesigned agency debt collection effort.

In an on-going effort in 1994, alien files were reviewed to determine which cases involved bonds. Cancellation or collection actions were taken as appropriate. The focus of this activity has been the seven district offices in which more than 70 percent of the bond activity is managed. These offices are: New York City, Los Angeles, Miami, Harlingen, Houston, San Francisco, and Phoenix. These efforts will continue in 1995 and 1996.

During 1994, selected surety companies with excessive amounts of delinquent debt, and poor payment histories, were put on notice, that until their debt was liquidated, INS would no longer do business with them. A copy of these notices was provided to the Treasury Department. This action facilitated the termination of a Treasury certified surety company effective September 19, 1994. Two surety bond court cases expected to come to trial during 1994 were postponed until the next year.

In 1995, INS anticipates the nationwide completion of the DCOS billing module and the implementation of Phase One of BMIS in the two finance bond control centers. The Service expects to continue aggressive legal action against delinquent surety companies to maintain pressure to meet their financial obligations to the federal government.

In 1996, the Service will continue to develop and implement enhancements to DCOS and will enter Phase Two of BMIS. The activities of the Debt Collection Branch will continue to focus on the evaluation and improvement of debt management and collection procedures and processes.

Immigration and Naturalization Service
Breached Bond/Detention Fund
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Authorized	1996 Request
Attorneys (905).....	2	2	2
Paralegal Specialists (950).....	2	2	2
Detention and Deportation Officer (1801).....	16	16	16
General Administrative and Clerical (300-399).....	16	16	16
Accounting and Budget (500-599).....	12	12	12
Total.....	48	48	48
Washington.....	16	16	16
U.S. Field.....	32	32	32
Total.....	48	48	48

Immigration and Naturalization ServiceBreached Bond/Detention FundSummary of Change
(Dollars in thousands)

	<u>Perm. Pos.</u>	<u>Work - years</u>	<u>Amount</u>
1985 appropriation anticipated.....	48	48	\$6,200
Adjustments to base:			
Mandatory increases:			
1986 Pay raise.....	..	..	48
One additional compensable day.....	..	..	11
Annualization and increase of 1985 pay raise.....	..	..	51
Within - grade increases.....	..	..	29
Health benefits.....	..	..	5
\$80 supplemental retirement contribution.....	..	..	4
General pricing level increases.....	..	..	10
Total, mandatory increases.....	..	..	158
1986 Base.....	48	48	6,358
1986 Request.....	48	48	6,358

Immigration and Naturalization Service
 Expired Bond/Patention Fund
 Justification of Adjustments to the Base
 (Dollars in thousands)

Perm. Work-
 Pos. Year Amount

Adjustments to Base:

Mandatory Increases:

1996 pay raise.....
 This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$12,820,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$35,000 pay and \$13,000 benefits = \$48,000).

..... \$48

One Additional Compensable Day.....
 The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$8,000 for pay and \$3,000 for benefits).

..... 11

Annualization and increase of 1995 pay raise.....
 This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$37,000 for pay and \$14,000 for benefits).

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Within-Grade Increases.....
 This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$21,000 for pay and \$8,000 for benefits.

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Health benefits.....
 The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$5,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.

..... 5

580 supplemental retirement contributions.....	...	...	4
For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 580 times the number of employees who, as of March 31 of that year are covered by either the CSRS or FERS retirement systems. The requested increase of \$4,000 provides for this contribution.			
General pricing level adjustments.....	...	...	10
This request applies GWS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total Mandatory Increases.....	158
Total, adjustments to the base.....	158

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Immigration and Naturalization Service
 Breasted Bird/Deletion Fund
 Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Appropriation		1995 Request		Increase/Decrease	
	Position A	Amount	Position A	Amount	Position A	Amount	Position A	Amount
GS/GM-14 \$55,627-73,619.....	2		2		2			
GS/GM-13 \$47,920-62,293.....	12		12		12			
GS-12 \$40,299-52,385.....	16		16		16			
GS-8 \$27,789-36,123.....	2		2		2			
GS-6 \$20,443-26,572.....	16		16		16			
1995 pay rates.....								
Total positions.....	48	\$1,659	48	\$1,641	48	1,828		\$85
Pay above stated annual rate.....								
Lay above stated annual rate.....	(37)	(1,079)						
Salaries due to lower pay scales for part of year.....								
Net full-time permanent.....	11	553	48	1,834	48	1,828		82
Other personnel compensation:								
Overtime.....								
Total, workyears and personnel compensation.....	11	553	56	2,058	56	2,108		101
Average GS/GM salary.....								
Average GS/GM grade.....								

Immigration and Naturalization Service
 Breasted Bond/Debt Fund
 Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease
	Workyears	Amount	Workyears	Amount	Workyears	Amount	
11.1 Full-time permanent	11	\$553	48	\$1,834	48	\$1,926	\$92
11.5 Other personnel compensation	..	14	6	171	6	180	9
Total, workyears and personnel compensation	11	567	54	2,005	54	2,106	101
12 Personnel benefits		134		680		727	47
21 Travel and transportation of persons		176		65		65	..
22 Transportation of things		3		..		..	..
23.1 GSA rent		..		428		428	..
23.3 Communications, utilities and miscellaneous charges		1		29		29	..
24 Printing		2		..		..	..
25 Other services		2,830		2,847		2,847	..
26 Supplies and materials		4,593		88		97	9
31 Equipment		50		58		59	1
Total obligations	11	6,186	54	6,200	54	6,358	158
Relation of obligations to outlays:							
Total obligations		6,186		6,200		6,358	
Recovery of prior years obligations		-3		..		..
Outlays		6,183		6,200		6,358	

Department of Justice
Immigration and Naturalization Service
Border Services User Fee
Estimates for Fiscal Year 1996

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Immigration and Naturalization Service

Border Services User Fee

Summary Statement

Fiscal Year 1996

In many border communities, commerce and legal traffic has been slowed as a result of insufficient numbers of Immigration and Naturalization Service (INS) and U.S. Customs Service (USCS) staff who inspect vehicles and pedestrians at the ports-of-entry. There is also a lack of sufficient technology that could facilitate the inspection process and reduce waiting times required to pass through the border facilities.

The Border Services User Fee is a proposed new fee that will partially finance the border control and management initiatives included in the Administration's 1996 budget request. The Service and the USCS already collect similar processing fees for services provided at air and sea ports-of-entry. Services at these ports parallel services provided at land ports-of-entry. However, travellers at land ports currently do not help offset the cost of these operations.

States will have the option to have this fee collected at land border ports-of-entry in their state. These ports at which the fee is collected will receive improvements to enhance border crossing. The proposed fee is \$3.00 per vehicle and \$1.50 per pedestrian for crossing land border ports-of-entry, including persons arriving by ferries on any body of water. Discounted fees will be available for frequent crossers. By collecting the fee from those using border services and facilities, the Federal government will generate an estimated \$400 million on an annual basis to reinvest in the hiring of new INS and Customs inspectors, technology, and other new resources.

Of the \$200 million in fee revenues projected in FY 1996, \$100 million will be used to implement and administer the fee collection. The remaining \$100 million will be divided between INS and the USCS for initiatives to improve border integrity by facilitating the movement of legal border crossers while increasing enforcement efforts against those who attempt illegal entry. This budget reflects 100 percent participation by the border states.

**Immigration and Naturalization Service
Border Services User Fee
Summary of Requirements
(Dollars in thousands)**

	1995 Appropriation Anticipated		1995 Base		1995 Request		Increase/Decrease	
	Pos.	WY	Pos.	WY	Pos.	WY	Pos.	WY
1995 Appropriation anticipated.....								
Mandatory increase.....								
1995 base.....								
Estimate by budget activity								
Enforcement:								
Inspections.....					680	340	680	340
Program Director:								
Management and Administration.....					1,000		1,000	
Total.....					680	340	680	340
								100,000

Immigration and Naturalization Service
Border Services User Fee
Summary of Requirements
(Dollars in thousands)

	<u>1994 Actual</u> <u>Amount</u>	<u>1995 Appropriation</u> <u>Anticipated</u> <u>Amount</u>	<u>1996 Request</u> <u>Amount</u>
<u>Financing</u>			
Unappropriated balance, start of year.....	...	...	...
Receipts.....	22.1	22.1	100,000
Total available for appropriation.....	...	...	100,000
Appropriation.....	22.1	22.1	-100,000
Unappropriated balance available, end of year.....	...	...	...
<u>Obbligations by program</u>			
<u>Enforcement:</u>			
Inspections.....	...	...	99,000
<u>Program Direction:</u>			
Management & Administration.....	22.1	22.1	1,000
Total obligations.....	100,000

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Immigration and Naturalization Service
Budget Request for FY 1994
Summary of Resources by Program
(Dollars in thousands)

	1994 as Enacted			1994 Actual			1993 Appropriation			1994 Base			1994 Request			Increase/Decrease	
	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Perm.	Pos.	NY Amount	Pos.	NY Amount
Estimated by PROGRAM																	
Enforcement:																	
Inspection:
Border Patrol:
Immigration & Naturalization:
Management & Administration:
Total
Other Workyears:																	
Overtime:
Total compensable workyears

44
408

Immigration and Naturalization Service
Border Services User Fee
Justification of Program and Performance
Activity Resource Summary
(Dollars in Thousands)

Activity: Enforcement

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	MX	Perm.	MX	Perm.	MX
	Fed.	MX	Fed.	MX	Fed.	MX	Fed.	MX
Inspections.....	...	...	...	...	680	340	\$99,000	\$99,000

LONG-RANGE GOAL: To ensure that the entry of applicants for admission into the United States is controlled in a manner that is consistent with the National Interest, facilitate the entry of qualified applicants, and identify and deny admission to those not qualified.

MAJOR OBJECTIVES:

Inspect (in cooperation with other Federal agencies) all applicants for admission into the United States at land border ports-of-entry. (Funding for inspections at air and sea ports-of-entry is included in the Immigration User Fee budget. Additional funding for inspections at land border ports-of-entry is included in the Salaries and Expenses budget.)

Prevent the entry of inadmissible applicants through land border ports-of-entry.

Detect fraudulent documents including those representing false claims to U.S. citizenship or permanent residence status and seize conveyances used for illegal entry.

BASIC PROGRAM DESCRIPTION: The function of this program is to enforce and administer the immigration and nationality laws with respect to the inspection of all persons seeking admission into the United States. This process is coordinated with the Department of State, the U.S. Customs Service, the Department of Agriculture, and local port authorities. Determination of inadmissibility is based on examination of the applicant, related documents, and/or prior information. National and local lookout systems containing information relating to excludable aliens are available for use at each port-of-entry. Inadmissible aliens are denied entry into the U.S. Any criminal activity discovered in the inspection process is referred to the appropriate law enforcement authorities for investigation.

ACCOMPLISHMENTS AND WORKLOAD: Accomplishments of the inspections program are presented in the following table 1/:

Item	1993		1994		Estimate 1995		Estimate 1996	
	Perm.	MX	Perm.	MX	Perm.	MX	Perm.	MX
Persons Inspected.....	420,169,363	444,046,094	485,000,000	532,000,000				
Vehicles Inspected - Land								
Border Inspection Fee.2/	620,421	702,621	2,000,000	2,400,000				

Inadmissible Aliens
Intercepted..... 787,699 930,000 1,000,000
Seizures of Illegal Drugs. 2,950 3,000 3,000

1/ Includes workload from the Salaries and Expenses and Land Border Fee accounts.

2/ This workload indicator pertains to vehicle inspections performed as a part of the dedicated computer lane pilot projects. The Congress extended the authorization for these projects through FY 1996 and limited the program to ports-of-entry on the northern border and the state of California. A complete discussion of this activity is contained in the budget request for the Land Border Inspection Fee account.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Inspections.....	680	\$99,000	680	\$99,000

Total program increases of 680 positions, 340 workyears and \$99,000 are requested for the Inspections program in FY 1996 in the Border Services User Fee account. Of this amount \$50,000,000 is for implementing and administering the new fee. The remaining resources are to be dedicated towards the achievement of the following objectives.

Facilitation of Border Traffic (271 positions/\$13,400,000): Growing traffic delays at the major urban-area border inspection facilities often require the travelling public to wait several hours for inspection. The workload at land border Ports-of-Entry has increased substantially in recent years with only minimal increases in staffing. Several new ports have opened on the U.S. Mexican border (Santa Teresa, New Mexico/ Los Indios, Texas/ Columbia, Texas/ and Hariposa, Arizona) and additional ports have undergone substantial expansions (Yaleta, Texas/ Nogales, Arizona/ Columbus, New Mexico/ and Roma, Texas). The number of inspections completed since FY 84 has increased by 81 percent, from 266 million inspections to 440 million inspections for FY 1994. Future traffic growth is expected to increase at an even greater rate due to the ratification of the North American Free Trade Agreement. Deployment of new positions will result in a major reduction in public waiting times. INS has established a goal of to reducing public waiting times at major border ports to 20 minutes or less.

100 Percent Operation of Southern Border Pedestrian Lanes (92 positions/\$4,900,000): 99 new inspectors are proposed for INS to assume 100 percent staffing responsibility for pedestrian lanes at all southern border land ports. The U.S. Customs Service has already requested INS to test the concept of assuming pedestrian traffic responsibility on the premise that this workload involves mainly immigration functions. This transfer is expected to result in major improvements in pedestrian processing traffic flow.

Support Enhanced Border Patrol Enforcement (92 positions/\$4,600,000): During September of 1993 the Border Patrol instituted Operation Hold the Line, a plan to concentrate approximately 400 Border Patrol officers along a 14-mile stretch of the border near El Paso, Texas. The objective of the operation was to discourage illegal border crossings between Ports-of-Entry. The operation is believed to have materially decreased the instances of illegal crossings in the local area. In January 1994, the San Diego Sector conducted a local interdiction effort near Imperial Beach, California. As a result of this operation, the POE at San Ysidro experienced a rise

In port runners, with small groups attempting entry through northbound primary inspection lanes, and larger groups of up to 80 people running north through the southbound lanes next to the port.

Although illegal crossings between ports-of-entry may have been curtailed, the El Paso operation had the effect of funneling illegal crossers into the Paso del Norte Bridge (PDM) in downtown El Paso. Pedestrian traffic at PDM was backed up almost to the middle of the bridge, and there were long vehicular traffic lines. Two INS Inspections Response Teams (IRTs), with a total of 15 members, reported to assist the overburdened inspectors at PDM. It was necessary to open up to five additional lanes at various times to minimize waiting time. The greatest impact from the operation was in the area of fraudulent applications for entry. The PDM port, the largest pedestrian crossing in El Paso, initially saw a 520 percent increase in fraud intercepts and inadmissible aliens. By March, this leveled off to 150 percent in intercept rates over the previous year. The effect of this increase in inspections enforcement actions also extended to increases in prosecutions and exclusion cases, as well as vehicle seizures. The potential effect on inspections of a permanent Border Patrol enforcement strategy was determined by extrapolating the impact in El Paso, when 20 additional annualized work years were required, using port-specific enforcement data, to the other crossing points along the southern border. As a result, the proposed border-wide Border Patrol operation of this magnitude, and its continuation as a permanent effort, is estimated to require 92 new inspectors to meet the increased POE workload attributable to the Border Patrol's initiative.

Immigration Response Teams (200 positions/\$10,200,000): Additional inspectors are requested to establish dedicated Inspections Enforcement Teams (IRTs) to specifically address the increased mafia ride traffic from the Border Patrol's enforcement operations. This level would allow INS to establish 25 teams, comprised of eight officers each, at major facilities along both borders. The utilization of these teams will strengthen deterrence and ultimately reduce the incidence of attempted fraudulent entries through POEs. These teams will conduct pre-primary roving, special operations in vehicle secondary, and process enforcement actions in INS secondary inspections operations. Resources are also requested to cover travel costs for detailing IRTs to ports-of-entry that experience surges in workload during initial periods when the Border Patrol deploys new personnel or changes operational strategies.

Journeyman Training (18 positions/\$1,000,000): This increase will allow INS to expand its training capabilities for experienced immigration inspectors. This training will enhance the performance of existing personnel which will have a positive impact on facilitation of traffic and enforcement activities.

INSPASS Expansion (\$6,000,000): This effort involves the adaptation of the INS Passenger Accelerated Service System (INSPASS) airport technology to specific land border environments, essentially automating several smaller ports by allowing extended opening hours without the need for additional staff. The existing system, now in operation at several airports, will be implemented at seven southern POEs as an adjunct to the current pedestrian inspection operation. The INSPASS lanes would allow pre-inspected frequent crossers to use data cards containing coded biometric identification information to enter the United States without direct officer involvement. This will free up valuable staff time for more important facilitation and border control activities.

ENFORCE Expansion (\$8,900,000): ENFORCE is an automated information system designed to support INS Service-wide case tracking and statistical reporting for all INS enforcement processes. Resources are requested for installation of the ENFORCE computerized identification system at eight major POEs. Use of the technology can generate a labor savings for inspections personnel, providing accurate and rapid capability to manage

enforcement case data, and compile enforcement performance and work load statistics. The system gives inspectors the capability to collect incident-related information into an information system, allow that system to automatically correlate the incident-related information for expert analysis, and then print the case information in various report formats. Such automation will permit immigration inspectors to focus more time on actual enforcement activities and less on time-consuming paper work.

Activity: Program Direction

	1995 Appropriation		1996 Base		1996 Request		Increase/Decrease	
	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate
Management and Administration...
LONG-RANGE GOAL: To conduct a thorough, on-going evaluation of the implementation and impact of the border service fee.

MAJOR OBJECTIVES:

Establish a system to evaluate and assess the costs and benefits associated with implementation of the border services user fee.

Continue improvements in the fee collection process to ensure that it facilitates the movement of legal border crossers and has beneficial impact upon the border communities.

BASE PROGRAM DESCRIPTION: The function of this program is to provide management direction and support for the implementation and evaluation of the border services user fee.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Estimate	Perm.	Estimate	Perm.	Estimate
Management and Administration.....

A program investment of \$1,000,000 is requested for the Management and Administration program to providing funding to conduct a thorough, on-going evaluation of the costs and benefits associated with the border services user fee. This evaluation will include: the development of toll collection methods that will minimize crossing times; the impact of the new resources inspections waiting times; and the way to best reinvest revenues generated by the fee in the border communities.

Immigration and Naturalization Service
Border Services User Fee

Financial Analysis - Program Changes
(Dollars in thousands)

Item	Border Enforcement & Management Inspections		Mgmt & Admin		Total	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
<u>Grades</u>						
GS-11.....	80	\$2,963	...	...	80	\$2,963
GS-9.....	600	18,365	...	...	600	18,365
Total positions and annual rate.....	680	21,328	...	...	680	21,328
Other personnel compensation.....	68	3,272	...	...	68	3,272
Lapse (-).....	(340)	(10,664)	...	...	(340)	(10,664)
Total workyears and personnel	408	13,936	...	...	408	13,936
Compensation.....		3,470		...		3,470
Personnel benefits.....		1,306		...		1,306
Travel and transportation of persons.....		44		...		44
Transportation of things.....		4,914		...		4,914
GSA Rent.....		318		...		318
Comm., utilities, and misc charges.....		56,131		\$1,000		57,131
Other services.....		709		...		709
Supplies and materials.....		18,172		...		18,172
Equipment.....				...		
Total program workyears and obligations	408	99,000	...	1,000	408	100,000
changes requested, 1996.....						

Immigration and Naturalization Service
Border Services User Fee
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994	1995	1996	
	Authorized	Authorized	Program Increases	Total
Immigration Inspectors (1816).....	680	680
Total.....	680	680
U.S. Field.....	680	680
Total.....	680	680

Immigration and Naturalization Service

Border Services User Fee

Summary of Change
(Dollars in thousands)

	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
1995 Appropriation anticipated.....	..	..	..
1996 Base .....	..	..	..
Program changes.....	680	340	\$100,000
1996 Request.....	680	340	100,000

Immigration and Naturalization Service
Border Services User Fee
Summary of Requirements by Grade and Object Class
 (Dollars in thousands)

	1994 Actual		1995 Appropriation		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-11, \$38,174-\$47,025.....	80	\$2,963	80	\$2,963
GS-9, \$23,989-\$38,869.....	600	18,365	600	18,365
Total positions.....	680	21,328	680	21,328
Lapses.....	-340	-10,664	-340	-10,664
Net full-time permanent.....	340	10,664	340	10,664
Other personnel compensation:								
Overtime.....	68	3,272	68	3,272
Total, workyears and personnel compensation.....	408	13,936	408	13,936

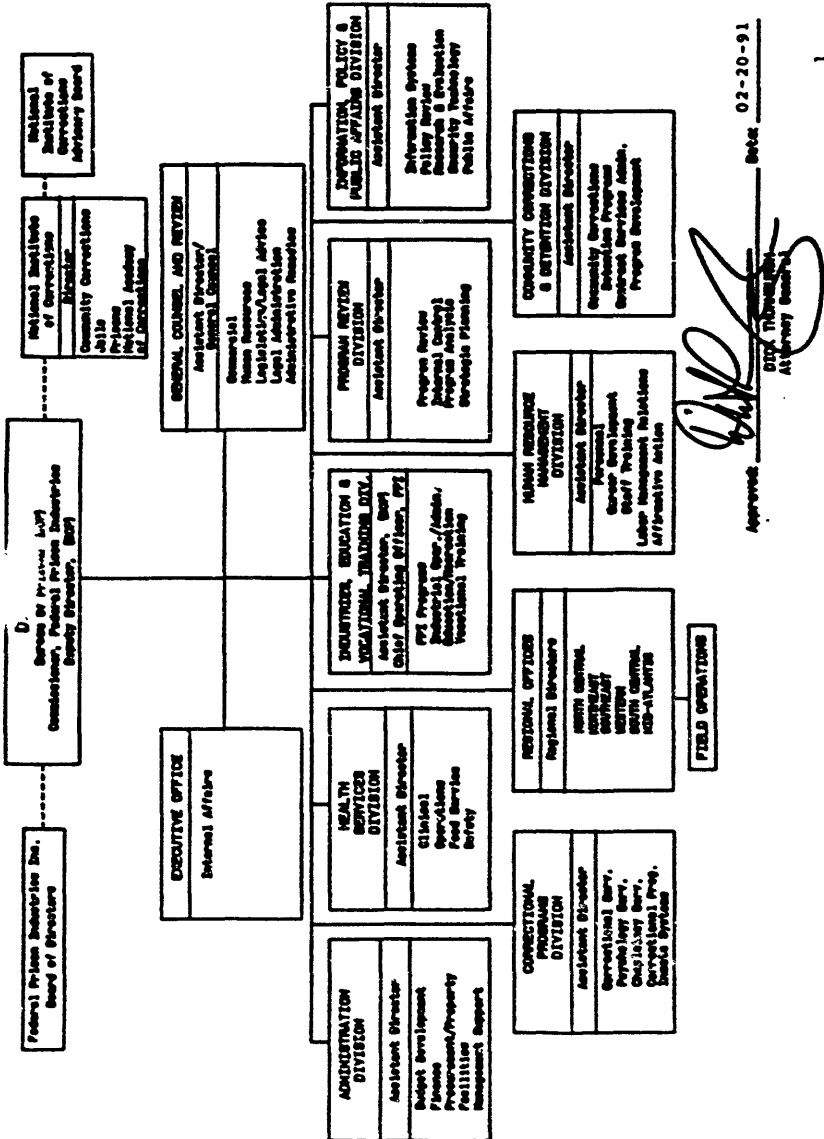
Immigration and Naturalization Service
Border Services User Fee
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Appropriation		1995 Request		Increase/Decrease	
	Workyears	Amount	Workyears	Amount	Workyears	Amount	Workyears	Amount
11.1 Full-time permanent.....	340	\$10,664	340	\$10,664
11.5 Other personnel compensation:								
Overtime.....	68	3,272	68	3,272
Total, workyears and personnel compensation.....	408	13,936	408	13,936
12.1 Personnel benefits.....	3,470	...	3,470
21.0 Travel.....	1,306	...	1,306
22.0 Transportation of things.....	44	...	44
23.1 GSA rent.....	4,914	...	4,914
23.3 Communications, utilities.....	318	...	318
23.0 Other services.....	57,131	...	57,131
26.0 Supplies and materials.....	709	...	709
31.0 Equipment.....	18,172	...	18,172
Total obligations.....	408	100,000	408	100,000
Relation of obligations to outlays:								
Obligations.....	100,000	...	100,000
Outlays.....	100,000	...	100,000

Department of Justice
Federal Prison System
Salaries and expenses
Estimates for Fiscal Year 1996
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FEDERAL BUREAU OF INVESTIGATION



Justification of Program and Performance

Federal Prison System

Salaries and Expenses

Summary Statement

Fiscal Year 1996

The Bureau of Prisons (BOP) is requesting a total of \$2,630,259,000, 29,412 permanent positions, and 28,239 workyears for the Salaries and Expenses appropriation in 1996. This represents mandatory increases of \$174,552,000 and program increases of \$104,073,000.

The mission of the Federal Bureau of Prisons is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and appropriately secure, and which provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. BOP currently manages 79 facilities in six regions of the country, and as of January 26, 1995 supervises over 36,000 inmates within those facilities. In addition, BOP is responsible for approximately 9,500 federal inmates in community corrections centers, contract detention centers, and other contract facilities.

There are three major appropriations for the Federal Bureau of Prisons: Salaries and Expenses; Buildings and Facilities; and National Institute of Corrections. The purpose of the Salaries and Expenses appropriation is to provide for the custody and care of all federal offenders, whether in Federal Institutions or contract facilities, and to provide for the maintenance and operation of all Federal facilities, regional offices, staff training centers and the central office. The funding for this mission is divided into four programs. They are: Inmate Care and Programs; Institution Security and Administration; Contract Confinement; and Management and Administration.

For 1996, total program increases of \$104,073,000, 792 positions, and 120 workyears are requested to provide for a projected increase in the inmate population; to activate contract facilities; to increase contract confinement; to increase contract confinement; to increase contract confinement; to increase contract confinement; to increase contract confinement; and to expand the National Bus Center Operations in Terre Haute. Included is a program decrease of \$22,824,000 for the treatment center in Maryland, and expansion of the National Bus Center Operations in Terre Haute. Included is a program decrease of \$22,824,000 for the absorption of the FY 1994 pay raise.

This request level will enable custody and care for a projected average daily population (ADP) of 94,601 offenders and for the maintenance and operation of 94 penal institutions, 6 regional offices, 3 staff training centers, a central office, and the contract confinement of 12,540 federal offenders in approximately 379 State and local jails, 39 juvenile facilities, and 265 community corrections centers in 1996. A geographic display of BOP is included on page 5.

BOP's FY 1996 request proposes further utilization of private companies, where most appropriate, to manage federal inmates. This expands the private sector role in Federal Corrections by contracting for the management and operations of several federal prisons currently under construction. The majority of future pretrial detention, minimum and low security federal prisons will be privatized.

Following is a brief summary of each new program increase:

Population Increase

For 1996, a total of \$15,464,000 is requested to support the projected population increase¹. These additional resources will enable BOP to meet the higher costs of food, medical care, clothing, inmate transportation, security, unit management, education, recreation, psychology services, record management, and maintenance associated with the projected population increase of approximately 7 percent (5,997) from 88,604 in FY 1995 to 94,601 in FY 1996.

¹The population projections do not include possible increases which could result from the Crime Bill of 1994 or additional Crime Bill legislation now under consideration in the 104th Congress. Further, BOP is redeveloping its population projection model. The past model produced projections which relied heavily on Sentencing Commission data from the late 1980s. The refined model will add more recent statistics and incorporate long term trends.

Activation of New Facilities

For FY 1996, BOP is requesting a total of \$41,191,000, 653 positions and 96 FTE for those facilities which will require activation resources in FY 1996. These facilities will add 2,848 critically needed beds. Additional operating resources are requested in Contract Confinement for five new facilities to be privately operated.

Facilities:	Estimated Activation Date	Beds	Pos.	FTE	Amount (\$000)
Activation of New Facilities:					
Beaumont, TX Low.....	6/96	1,536	383	32	\$6,760
Beaumont, TX Minimum.....	9/96	512	126	10	1,550
Butner, NC PCC.....		763	0	0	16,000
Activation of Expansions:					
Tallahassee, FL Minimum Camp.....	12/95	150	27	12	2,998
ICC Lompoc.....	12/95	200	36	18	4,304
Ft. Worth, TX Minimum Camp.....	2/96	150	27	6	2,651
Lexington, KY Minimum Camp.....	2/96	150	27	6	2,935
Millen, MI Minimum Camp.....	5/96	150	27	6	3,993
Subtotal, Activations.....		2,848	653	96	41,191

*Equipment Only

Opening a new facility is the culmination of four steps: site selection, design, construction, and activation. To avoid delays in acceptance of inmates, it is necessary to staff facilities a minimum of three months prior to activation, and equipment which requires long lead time is ordered at least six months prior to activation.

Contract Confinement

BOP is expending the use of a wide range of alternatives to incarceration for housing less dangerous and non-violent offenders. For FY 1996, BOP is requesting \$22,416,000 to support a projected increase in the CCC average daily population from 5,800 in FY 1995 to 7,000 in FY 1996. In addition, we are requesting \$4,945,000 to support a projected increase in the state and local average daily population from 4,742 in FY 1995 to 5,050 in FY 1996.

Also requested is \$31,432,000, 40 positions and 15 FTE for the management and private operations of several prisons including the pre-trial Metropolitan Detention Center in Brooklyn, New York and minimum and low security federal prisons in Forrest City, Arkansas; Taft, California and Yazoo City, Mississippi.

Medical

BOP is requesting a total of \$7,575,000 for an Infectious Diseases Initiative which addresses Tuberculosis (TB); Sexually Transmitted Diseases (STDs); Hepatitis; and, HIV/AIDS. In addition, BOP is requesting \$3,190,000, 9 positions and 9 FTE to staff and equip the kidney dialysis treatment center at Springfield, Missouri. The renovation of an existing building at the Medical Center for Federal Prisoners in Springfield will expand capacity for kidney dialysis patients in the institutions rather than depend on more expensive contract care.

Fleet Management

BOP is requesting a program increase of \$664,000 to expand the National Bus Center Operations in Terre Haute, Indiana. The function of the bus center is to service, repair, and to install security enhancements on BOP vehicles in the Inmate Transportation program. As BOP expands, so will the demands placed on our National Bus Center. Currently, BOP has a total of 85 buses and projects 109 by FY 1996. Institution perimeter vehicles operate continuously, accumulating far higher than normal mileage, requiring extreme maintenance and averaging a two-year lifecycle. This amount will fund supplies, training and equipment. Investment in this initiative will provide a pay-off by improving the National Bus Center Operations and extending the lifecycle of perimeter vehicles.

DISCUSSION

BOP will absorb \$22,824,000 for the FY 1996 pay raise. This reduction will result in lowered availability for institution maintenance.

Federal Prison System
Salaries and Expenses

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Salaries and Expenses

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed \$756 of which \$353 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; (\$2,356,404,000) ;

\$53 of which \$52

\$2,630,259,000

Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions; Provided further, That the Director of the Federal Prison System (FPS) may, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, provide services to individuals confined to the custody of the FPS; Provided further, That the uniform may be purchased without regard to the fiscal year limitation for the current fiscal year; Provided further, That not to exceed \$5,000 shall be available for official reception and representation expenses; Provided further, That not to exceed \$50,000,000 for the activation of new facilities shall remain available until September 30, (1996); Provided further, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants. (Provided, further, That any unobligated balances available for the care of Mariel Cuban detainees under the heading, "Salaries and Expenses, Community Relations Services" are transferred to this heading, and shall remain available until expended.)

1997

(18 U.S.C. 3029, 3029, 3651, 4001, 5002, 5007, 5008, 5011, 5041, 5042, 4081, 5002, 4253, 4281, 5015; Department of Justice and Related Agencies Appropriations Act, 1993)

Explanation of Changes:

1. The Federal Prison System is requesting changes in the ceilings for new and replacement automobile purchases. In support of the 1996 budget request, the Federal Prison System would require a total authority for purchase of not to exceed \$53 motor vehicles of which \$59 are for replacement only.
2. Language that transferred balances for the care of Mariel Cubans has been deleted since it is a one-time requirement.

**Federal Prison System
Salaries and expenses
Crosswalk of 1995 changes
(Dollars in thousands)**

Activity/Program	1995 President's Budget Request**			Congressional Action***		Reprogrammings		FY 1995 Pay Rate Absorption		FY 1995 Availability	
	Pos.	WY*	Amount	Amount	Amount	Amount	WY***	Pos	WY*	Amount	Amount
Inmate Care and Programs:											
Inmate Care.....	4,058	3,234	\$569,935	(\$16,082)		(\$2,100)	(117)	4,058	3,117	\$551,753	
Inmate Programs.....	6,033	5,136	381,336	(8,376)		0	(81)	6,033	5,075	352,960	
Subtotal.....	10,091	8,370	931,271	(24,458)		(2,100)	(178)	10,091	8,192	904,713	
Institution Security and Administration:											
Institution Security.....	11,288	10,405	542,417	(7,878)		8,100	(120)	11,288	10,285	542,639	
Institution Maintenance.....	2,225	1,975	233,791	(5,897)		3,400	(23)	2,225	1,952	231,294	
Institution Administration.....	3,558	3,351	332,410	(8,337)		(12,600)	(55)	3,558	3,296	311,473	
Staff Training.....	403	381	51,051	(1,535)		(1,900)	(5)	403	356	47,618	
Subtotal.....	17,474	16,092	1,159,669	(23,647)		(3,000)	(203)	17,474	15,889	1,133,022	
Contract Confinement.....	228	225	182,947	0		9,000	0	228	225	191,947	
Management and Administration.....	1,159	1,228	127,847	(1,995)		(3,900)	1	1,159	1,229	121,952	
TOTAL.....	28,950	25,915	2,401,734	(50,100)		0	(380)	28,950	25,635	2,351,634	

* Excludes 127 reimbursable workyears, and 280 workyears transferred to PHS.
 ** Original FY 1995 request of \$2,406,952,000 was revised downward to reflect \$4,770,000 in procurement and \$448,000 in GSA space savings.
 *** Congressional Action reduced the population request by \$10,000,000. Provides \$107,858,000 in new activations, a reduction in base of \$16,782,000 (lower annualization) and carryover of \$30,000,000.
 **** Workyears were reduced by 381 in FY 1995 to be restored in FY 1996 in order to achieve overall Administration staffing levels, and 1 FTE was transferred in from NDIC.

Federal Prison System
Salaries and expenses
Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
1995 as Enacted.....	28,950	25,915	\$2,356,404
Procurement Savings.....	0	0	(4,770)
Absorption of unfunded 1995 pay raise.....	0	0	0
Transfer from NDIC.....	0	1	0
1995 Availability.....	28,950	25,915	2,351,634
Transfers to and from other accounts:			
Transfer from JMD Facilities Staff.....	8	8	0
Transfer to Violent Crime Reduction Trust Fund for Drug Treatment.....	(225)	(209)	(11,798)
Mandatory Increases.....	--	2,808	209,683
Decreases.....	(23)	(23)	(23,333)
1995 base.....	28,710	28,119	2,528,186
Program Changes.....	702	120	104,073
1995 Estimate.....	29,412	28,239	2,630,259

	<u>1995 Availability</u>			<u>1995 Base</u>			<u>1995 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>Pos.</u>	<u>WY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>WY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>WY</u>	<u>Perm.</u>	<u>Pos.</u>	<u>WY</u>
<u>Estimates by Budget Activity:</u>												
1. Inmate care and Programs.....	10,091	8,192	\$904,713	9,868	9,116	\$888,802	10,128	9,164	\$1,028,417	282	48	\$39,615
2. Institution Security and Administration.....	17,474	15,889	1,133,022	17,451	17,540	1,219,195	17,851	17,897	1,228,729	400	57	7,534
3. Contract confinement.....	228	228	181,947	228	228	182,045	266	241	260,616	40	15	58,573
5. Management and Administration.....	1,159	1,229	121,952	1,167	1,237	128,144	1,167	1,237	124,495	0	0	(1,649)
Total.....	28,950	25,915	2,351,634	28,710	28,119	2,528,186	29,412	28,239	2,630,259	702	120	104,073

**Federal Prison System
Salaries and Expenses
Summary of Expenditures by Program
(Dollars in thousands)**

	1984 As Enacted			1984 Actual			1985 Availability			1986 Base			1986 Estimate			Increase/Decrease		
	Per.	MY	Amount	Per.	MY	Amount	Per.	MY	Amount	Per.	MY	Amount	Per.	MY	Amount	Per.	MY	Amount
Estimates by Program																		
Inmate Care Programs	3,569	2,838	\$458,560	3,569	2,793	\$455,048	4,058	3,117	\$551,753	4,058	3,594	\$610,397	4,167	3,616	\$646,026	89	24	\$39,229
Inmate Programs	3,569	2,838	\$458,560	3,569	2,793	\$455,048	4,058	3,117	\$551,753	4,058	3,594	\$610,397	4,167	3,616	\$646,026	89	24	\$39,229
Subtotal	8,058	7,484	\$1,217,713	8,058	7,683	\$1,217,713	10,091	8,152	\$1,304,715	8,060	8,116	\$1,304,715	10,126	8,144	\$1,304,715	262	48	\$39,115
Institution Security and Administration																		
Institution Security	8,891	8,314	\$1,297,724	8,891	8,119	\$1,297,724	11,298	10,265	\$1,452,438	11,298	11,415	\$1,452,438	11,544	11,436	\$1,452,438	236	41	\$2,850
Institution Maintenance	2,008	1,768	\$273,777	2,008	1,864	\$273,777	2,225	1,952	\$273,777	2,225	2,144	\$273,777	2,267	2,144	\$273,777	42	2	\$487
Institution Administration	3,132	2,572	\$392,221	3,132	2,485	\$392,221	3,558	3,298	\$471,473	3,558	3,802	\$471,473	3,833	3,816	\$471,473	86	14	\$4,314
Self Training	381	342	\$50,921	381	318	\$50,921	403	359	\$50,921	403	379	\$50,921	407	379	\$50,921	4	0	\$27
Subtotal	13,412	13,006	\$1,964,743	13,412	13,080	\$1,964,743	17,474	15,884	\$2,248,630	17,451	17,540	\$2,248,630	17,851	17,597	\$2,248,630	400	57	\$7,504
Contract confinement	216	216	\$32,461	216	198	\$32,461	228	225	\$32,461	228	228	\$32,461	268	241	\$32,461	40	15	\$5,873
Management and Administration	1,174	1,243	\$193,917	1,174	1,259	\$193,917	1,159	1,229	\$193,917	1,167	1,237	\$193,917	1,167	1,237	\$193,917	0	0	\$(849)
Total	23,860	22,938	\$3,523,394	23,860	22,905	\$3,523,394	29,050	27,535	\$3,951,634	28,710	28,116	\$3,951,634	29,412	28,238	\$3,951,634	702	120	\$104,073
Reimbursable workers	127	127	\$19,060	127	127	\$19,060	127	127	\$19,060	127	127	\$19,060	127	127	\$19,060	0	0	\$0
Total workers	23,987	23,065	\$3,542,454	23,987	23,032	\$3,542,454	29,177	27,662	\$3,970,694	28,837	28,243	\$3,970,694	29,539	28,365	\$3,970,694	702	120	\$104,073
Other Workers	243	243	\$36,461	243	243	\$36,461	249	249	\$36,461	249	249	\$36,461	315	315	\$36,461	66	23	\$3,350
Holiday	667	667	\$100,000	667	667	\$100,000	705	705	\$100,000	705	705	\$100,000	694	694	\$100,000	11	85	\$12,500
Overtime	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	0	0	\$0
Total compensable workers	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	24,006	24,006	\$3,600,000	0	0	\$0

Federal Prison System
Salaries and expenses
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Collections by Source:	1994 Actual			1995 Estimate			1996 Estimate			Increase/Decrease		
	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount	Perm. Pos.	WY	Amount
States.....	127	127	\$13,646	127	127	\$12,507	127	127	\$12,660	0	0	\$153
Staff Housing Rental.....	0	0	1,814	0	0	1,716	0	0	1,719	0	0	3
Federal Prison Industries.....	0	0	1,460	0	0	1,377	0	0	1,478	0	0	101
Meal Tickets.....	0	0	819	0	0	709	0	0	746	0	0	37
Farm Property.....	0	0	716	0	0	593	0	0	806	0	0	213
Total.....	127	127	18,455	127	127	16,902	127	127	17,409	0	0	507

Goods or Services Provided:
Care for inmates from various states.
Housing for staff.
Utilities for Federal Prison Industries.
Meals for staff.
Sale of Livestock.

Federal Prison System
Salaries and expenses
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Inmate Care and Programs	1975 Availability		1976 Base		1976 Estimate		Increase/Decrease				
	Perm. Pos.	VI Amount	Perm. Pos.	VI Amount	Perm. Pos.	VI Amount	Perm. Pos.	VI Amount			
Inmate Care and Programs.....	10,091	8,192 \$904,713	9,866	9,116	\$988,802	10,128	9,164	\$1,028,417	262	48	\$39,615

LONG-RANGE GOAL: To provide offenders incarcerated in the Bureau of Prisons (BOP) with a nutritional diet; comprehensive, accessible high quality health care services; clean clothing, footwear, linens, toiletries and stationery; and to properly manage the Inmate Trust Fund.

To establish a safe, humane environment which minimizes to the extent possible, the detrimental effects of confinement; and to provide a variety of counseling programs which are most likely to aid inmates in a successful adjustment to the institution and, upon release, a successful return to the community;

Provide general and occupational education opportunities to all inmates desiring or required to participate; provide Federal offenders with a full range of recreation and leisure activities to improve their physical and mental health and promote the development of personal, interpersonal and social skills to better enable them to cope with the psychological and physical impact of their incarceration; and to enhance post-release employment and positive life styles;

Provide all prisoners with reasonable and equitable opportunities to pursue individual religious beliefs and practices within the constraints of confinement and;

Provide immediate and long-term psychological care for Federal inmates with mental health problems and assist in the decision making of the inmate, prison administrators and parole officials.

MAJOR OBJECTIVES: Provide three nutritional meals daily including provisions for medical and religious diets.

Educate inmates to eat healthier to reduce long-range medical costs.

Continue cost-effective farm operations to supplement food purchased from local sources.

Provide all inmates assigned to the food service department with the opportunity to acquire skills and abilities that may assist in obtaining employment after release.

Continue to provide current level health care services in all institutions, which include promotion of good health practices, prevention of diseases and disability, inpatient and outpatient treatment, medical rehabilitation services, health education, and to promote dental hygiene and prevention of dental disease.

Meet and/or maintain medical accreditation requirements in all institutions.

Acquire and provide an adequate supply of clothing, footwear, linens, toiletries and stationery items for distribution to the inmate population.

Maintain laundry and clothing issue/return operations.

Maintain the Inmate Trust Fund.

Subdivide the inmate population into small well-defined and manageable groups whose members develop a common identity from close association with each other and their unit staff.

Increase the frequency of contacts and improve relations between staff and inmates.

Ensure that decisions regarding inmates are made by staff most closely associated with those inmates, increasing the quality and swiftness of the decisions.

Provide psychological screening for every inmate admitted to the BOP.

Provide psychological evaluations requested by the courts, parole officials, and prison administrators.

Provide psychotherapy and crisis intervention counseling.

Provide psychological care to inmates admitted to Inpatient mental health programs.

Provide opportunities for individual and group counseling in each unit.

Provide drug abuse programs for inmates with substance abuse histories who volunteer for treatment.

Provide education programs designed to meet inmate needs for functional literacy, high school equivalency, English language proficiency, adult continuing education, career assessment and counseling, and personal growth and to enhance their employability upon release.

Maintain education program certification or accreditation by regional Associations of Colleges and Schools or other appropriate accrediting agencies.

Provide a variety of indoor and outdoor activities to enhance personal wellness.

Make available the appropriate worship services of the various religious disciplines represented within the inmate population and provide a variety of non-worship religious program options.

Provide pastoral care for individual inmates and staff.

Provide personal spiritual growth seminars and courses as well as programs to strengthen family support systems.

Provide program opportunities for self-improvement and specialized programs for select "high-risk" groups, such as sex offenders.

Provide training to staff for religious and cultural diversity issues.

Provide family services to staff during crisis incidents at institutions.

Provide staff training in mental health areas.

Provide employee assistance programs.

BASE PROGRAM DESCRIPTION: The BOP provides daily meals which are certified for nutritional adequacy by registered dietitians and meet the Recommended Dietary Allowances established by the Food and Nutrition Board Commission of Life Sciences National Research Council. Meal preparation is accomplished primarily by inmate workers (about 12 percent of the population) under the supervision of staff. The inmate staff produce products such as bread, jam, preserves, and the Federal Correctional Institution at El Reno, Oklahoma utilize available land resources in limited production of beef and milk. Farm products are consumed at the producing institutions and are also shipped to nearby institutions to offset their need to purchase some products on the open market.

program assists inmates to focus on realistic planning and goal setting for work and related activities during their incarceration and after release. The life skills component helps inmates develop a positive self-image and positive interaction skills, including parenting.

Occupational education programs serve to enhance skills during incarceration and increase the employability of offenders upon release, particularly those who either lack solid employment history or a salable skill. The majority of federal offenders are unskilled at the time of commitment to prison. Federal offenders can choose a vocation, through instruction, work experiences, and career orientation; acquire or improve productive work skills and habits; and gain practical knowledge essential to working and functioning in a complex industrial-technical world of work. Information and structured classes are provided on nutrition, physical and mental health, and overall health promotion and disease prevention.

Chaplaincy personnel conduct the religious services of their particular faith group and arrange for the delivery of religious services of other faith groups to fulfill their role as correctional program providers. Chaplaincy staff play a positive role in inmate and religious groups management as they provide programs across the spectrum of faiths represented in the inmate population. Policy requires facilitation of inmates' practice of their faith and further, that they not be either disparaged or discriminated against because of their religion. Chaplaincy plays a key role in training and sensitizing staff regarding the variety of faiths that inmates practice. Chaplaincy additionally provides guidance to the institution to comply with the Religious Freedom Restoration Act. Common fare has been implemented system wide to provide for the diets of various religious faiths. The Bureau pays strict attention to remaining pro-active in meeting the expectation of the Religious Freedom Restoration Act.

Approximately 280 contracts are issued annually for the delivery of services of the smaller faith groups and other related religious services. Chaplains also recruit, train, supervise, and sustain approximately 4,000 volunteers from the community who regularly visit the institution to participate in the religious programming. Approximately 25,000 religious worship services were conducted in 1994 representing the various religious disciplines within the prisoner population. In addition to worship services, chaplaincy personnel offer a wide variety of non-worship religious program options.

Psychology staff are an integral part of correctional treatment as they administer programs of group and individual psychotherapy, crisis intervention, personal development classes, and staff consultation/training. Policy requires that every inmate admitted to a BOP facility be given an initial psychological screening which consists of psychological testing, psychological interview, social history review, and behavioral observation. The purpose of the screening is to identify special treatment and/or referral needs; provide information useful in future crisis-counseling situations; identify strengths as well as potential adjustment problems to imprisonment; and discuss possible program needs with the inmates and provide information about them.

Both individual and group psychotherapy is available to inmates who express a desire and demonstrate the need for it. Training and orientation programs are also offered for developing "life competency skills" including communication, assertiveness, self-image, interpersonal relationships, conflict resolution, problem solution and work skills. Short-term crisis counseling has been acknowledged by mental health professionals as a powerful, viable skill and BOP psychologists with expertise in this area have provided training and consultation to staff in institutions. BOP psychologists have traditionally provided the courts, parole officials and prison administrators with quality psychological evaluations.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments of the Inmate Care Program are presented in the following tables:

	1993	1994	1995	Estimates Change	1996
Food and Farm Services:					
Meals provided (Daily).....	248,151	256,410	279,711	17,991	297,702
Average cost per inmate per day.....	84.54	84.91	\$5.05	10	\$5.15
Percent of Recommended Dietary Allowance.....	100%	100%	100%	...	100%
Number of farms operated.....	2	2	2	...	2
Value of farm products (in thousands).....	\$3,200	\$3,514	\$3,750	112	\$3,862
Medical Services:					
Total Outpatient Visits (yearly).....	995,445	1,104,944	1,204,389	84,307	1,288,696
Average Number of Outpatient Visits (daily).....	3,828	4,250	4,632	325	4,957
Average Daily Patient Load.....	191	213	232	16	248
Human Immunodeficiency Virus (HIV) Tests.....	40,000	50,000	55,000	4,000	59,400
Other Inmate Services:					
Supply of clothing/footwear (actual pieces of clothing/footwear).....	404,616	456,600	493,915	38,771	532,686
Supply of linens (actual linen sets).....	595,158	671,621	726,509	57,028	783,537
Laundry workhours.....	149,760	158,340	178,360	14,560	192,920
Inmate Trust Fund collections (\$ in thousands).....	\$151,969	\$168,173	\$188,737	\$20,311	\$209,048
Inmate Trust Fund disbursements (\$ in thousands).....	\$151,293	\$167,102	\$187,535	\$20,181	\$207,716
Education:					
Enrollments:					
Adult continuing education ² /.....	33,500	28,823	30,800	4,000	34,800
General education development.....	12,500	15,158	20,104	1,000	21,100
Post-secondary education.....	21,820	23,762	10,696	3,000	9,000
Occupational education.....	3,800	9,539	9,700	200	9,900
English as a second language.....	3,600	4,514	4,900	400	5,300
Recreation/wellness.....	3,500	6,190	6,700	500	7,200
Pre-release.....	650	6,940	7,900	1,000	8,900
Parenting (new tracking category).....	...	1,706	2,200	500	2,700
Completions:					
Adult continuing education ² /.....	28,900	24,423	25,400	1,000	26,400
General education development.....	5,725	5,510	5,750	250	6,000
Post-secondary education.....	18,630	19,925	10,000 ³	3,000	7,000
Occupational education.....	7,050	6,888	7,100	200	7,300
English as a second language.....	2,110	1,405	1,650	250	1,900
Recreation/wellness.....	1,900	4,173	4,700	500	5,200
Pre-release.....	670	6,405	7,200	800	8,000
Parenting (new tracking category).....	...	1,267	1,700	400	2,100
Religious Services:					
Worship.....	21,464	24,900	27,000	3,070	30,070
Non-worship programs (represent monthly totals).....	25,011	29,111	33,111	5,000	38,111

	1993	1994	1995	Estimates Change	1996
Psychology Services:					
Witness protection evaluations.....	350	375	380	19	399
Court evaluations.....	3,350	3,500	3,375	270	3,645
Routine evaluations.....	66,000	67,000	67,050	5,364	72,414
Group therapy sessions.....	18,500	19,000	20,000	1,600	21,600
Crisis intervention sessions.....	52,000	52,800	53,000	4,240	57,240
Subsistence prevention evaluations.....	2,150	2,200	2,400	192	2,592
Subsistence prevention counseling hours.....	530,000	530,000	540,000	43,200	583,200
Residential drug abuse group counseling hours.....	1,371,050	1,392,432	1,392,400	154,340	2,066,780
Residential drug abuse group counseling hours.....	8,445	8,445	8,445	75	8,520
Personnel interview.....	4,751	4,900	5,200	479	5,679
Employee assistance contacts.....	3,500	4,000	4,200	420	4,620
Staff training sessions.....	8,500	8,600	8,650	865	9,515
Unit team meetings w/inmates.....	19,000	19,000	19,000	1,520	20,520
Unit Management:					
Average daily population.....	71,469	79,227	88,694	5,997	94,691
Number of Units.....	460	480	530	45	575
Study & Observation Reports.....	450	500	550	50	600
Institution Transfers.....	160,000	170,000	178,000	7,000	185,000
CCC Transfers.....	9,000	9,200	9,500	500	10,000
Releases.....	23,700	25,000	27,000	2,000	29,000

¹The enrollments for this fiscal year and beyond are new enrollments only. The new enrollment data reflects only those inmates who have enrolled since October. The data does not include enrollments carried over from the previous year. This explains why the completion data for some program areas may be greater than the enrollment data provided.

²Includes Life Skills, Guidance and Counseling and parenting components.

³Expected reduction due to loss of Pell Grants.

⁴Beginning in FY 1995, Pre-release and Recreation/Wellness were separately tracked. Prior to 1995, they were included in the Adult continuing education category.

⁵Distinctive Worship Services: General Christian (English/Spanish); Catholic Mass (English/Spanish); Juhma, Sweet Lodge, Moorish Science, Nation of Islam, and Jewish are weekly, plus seasonal special services.

⁶ODMS transfers are now included.

BOP Health Services Division personnel continues to take steps towards better management of outside contract care. In FY 1993, over 75 percent of BOP institutions established formal contracts with local health care providers. Many contracts were negotiated at the Medicare (086) rate, which was significantly lower than the local charges or daily hospital per diem. BOP is establishing a utilization management function to reduce unnecessary hospitalizations for the inmate population. The process for utilization management control will necessitate all routine hospital admissions being precertified by the Health Services Division before an inmate can receive inpatient care. BOP is also actively seeking the acquisition of hospital resources on military bases that are on base closure lists. Increasing the hospital bed capacity will allow BOP to reduce outside hospital costs and better manage inmate care within BOP's medical referral center network. In addition, utilization of military hospital beds will save BOP significant dollars in construction of new medical beds. Finally, BOP is an active participant with the Department of Veterans Affairs, Department of Defense and PHS Indian Health Service in a number of Interagency Sharing Agreements for inpatient, outpatient and ancillary services. Federal resource sharing yields positive results -- saving dollars related to outside medical costs.

In 1992 Food Services developed a nutritional information system that educates inmates and helps them to eat healthier. Nutritional information cards displayed on the serving line provide inmates with the amount of calories, fat, sodium, and cholesterol in an average portion. By educating the inmate population to eat healthier, BOP will reduce long-range medical costs as inmates grow older. In addition to the Nutritional Information Cards, BOP

implemented a heart healthy feeding program in 1990. Statistics show inmates have benefitted in this new program. In FY 1989, BOP was offering 5,400 calories, 443 fat, 847 milligrams of cholesterol, and 10,500 milligrams of sodium per day of sustenance. In 1993, BOP had lowered the daily measure to 3,500 calories (35 percent decrease), 32.55 fat (26 percent decrease), 542 milligrams of cholesterol (36 percent decrease), and 6,371 milligrams of sodium (39 percent decrease). A workshop is scheduled for last week of January 1995 to finalize 1994 statistics, and we anticipate continued success.

In 1993, the Department of Veterans Affairs (OVA) and the Bureau of Prisons requested a Prime Vendor Contract for pharmaceuticals for all BOP facilities. The contract service provides for a more effective and efficient means of providing drugs and pharmaceutical products to federal inmates than the former methods of buying from the Public Health Service depot, the DVA depot, or directly from numerous manufacturers and local wholesalers. Additionally, such Bureauwide contracts allow for a standardized formulary of prescriptions for inmates transferring between institutions.

In FY 1993, BOP received full institutional accreditation for all of its Medical Referral Centers by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). In FY 1994, 19 health care units at regular institutions received JCAHO accreditation in Ambulatory Health Care. Further, the BOP will continue this Continuous Quality Improvement program by having 20 health care units at regular institutions undergo the JCAHO Accreditation Program for Ambulatory Health Care Programs every year. In FY 1996, the medical referral centers will again undergo the JCAHO accreditation program.

BOP has been instrumental in fostering close resource sharing between federal agencies. BOP has participated in the Federal Health Care Study Commission with the Department of Defense, the Department of Veterans Affairs and Indian Health Service. In September 1993, a formal Interagency Support Agreement was signed between the United States Penitentiary, Leavenworth, Kansas and Marion Army Community Hospital, Fort Leavenworth, Kansas to provide inpatient, outpatient and ambulatory surgery services to inmates. In December, 1993, BOP was formally inducted as an active member of the Southwest Federal Health Care Consortium allowing BOP institutions in Arizona, New Mexico and Texas to collaborate with other federal entities. FCI Fort Worth entered into an Interagency Agreement with the Veterans Administration Medical Center of Dallas in February, 1994, to provide laboratory services. In addition, discussions are underway between Kerner Army Community Hospital, Fort Lee, Virginia and FCI, Petersburg, Virginia and between the Veterans Administration and FMC Lexington, KY and FMC Butner, NC concerning Interagency Support Agreements.

In 1994, BOP has undertaken several new medical cost savings initiatives. The Executive Staff, in March 1994, approved a pilot "Pre-certification" study which will allow the Health Services Division to initiate a program in Washington, D.C. to provide hospital pre-certification, utilization management, and hospital claims review prior to payment. A pilot, combining both Outside Care and Inside Care funds, project in the North Central Region in FY-1995 will allow institutional program managers increased authority and responsibility in the fiscal management of health care at the local level to determine the potential for more cost effective purchase of health care.

BOP has been relentless in identifying military bases slated for closure with medical facilities. To date, BOP has acquired Cutler Army Community Hospital, Ft. Devens, Massachusetts and Carswell Air Force Base Hospital, Fort Worth, Texas saving the taxpayers approximately \$240 million in new construction costs. Additionally, BOP has acquired approximately \$9.0 million in medical equipment at Ft. Devens and \$40.0 million at Carswell AFB.

As part of BOP's "External Peer Review Program," 1,000 paid medical claims, at three institutions in California, were reviewed by an independent contractor in early 1994. The physicians and facilities providing services were compared to the master Preferred Provider Organization (PPO) list. The appropriate fee was applied and then compared to the amount actually paid by the specific institution. The results of the study indicated that there was a potential cost savings of approximately 28 percent if BOP had a contractual arrangement with a PPO organization. In December 1994, BOP instituted a PPO pilot study in the Western Region.

In response to the rapid growth in the federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse program, and community-transitional services programming. Participation in BOP's Drug Abuse Education Program is required for all inmates who have a judicial recommendation for treatment and/or a history of drug use. The Drug Abuse Education component provides the inmate with specific instruction on the risks involved in drug using and abusing behaviors, presents strategies toward living a drug-free lifestyle, while introducing the inmate to the concepts of drug treatment and motivating the inmate to volunteer for participation in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility and service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Non-residential treatment services are also provided for those inmates who have completed the residential treatment phase who remain in the institution, and who require aftercare treatment while awaiting release to the community.

The residential drug abuse program is designed for inmates who volunteer for extended drug abuse treatment. Six-month residential programs are available in 29 institutions, and three institutions offer twelve-month programming exclusively. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling.

To increase inmate participation in the residential drug abuse program, BOP has instituted a number of incentives, such as extended Community Corrections Center periods. An evaluation plan has been implemented to determine if such incentives will increase the participation in the residential drug abuse program. This will provide important information on how to better recruit the drug-dependent inmate into treatment.

Community transition programs were originally developed for inmates who complete the residential drug abuse treatment program and are released to the community under BOP custody. This component of treatment is the most critical period for the inmate's adjustment back into society. In FY 1993 the community transition program was extended to accept inmates who have been identified as requiring community treatment, as part of their community program plan while still in BOP custody, (i.e., Intensive Confinement Center inmates, inmates participating in the Electronic Monitoring program).

By the end of FY 1994, BOP had drug abuse education and non-residential treatment available in all its institutions, and residential treatment available in 32 institutions. The residential programs maintained an average daily population exceeding 2,900 inmates. Community drug transition served an average daily population of nearly 800 by the close of FY 1994.

In FY 1995, we plan to expand the residential drug treatment programs by two, establish a 16-bed dual disorder unit. For 1996, we plan to add three more Drug Abuse Program units, and expand the residential drug treatment programs by three institutions. We are currently assessing the need for the development of a program for inmates who are dually-diagnosed with drug and alcohol addictions.

BOP continues to provide 100 percent of the psychological screening for every new admission, the psychological evaluations requested by the courts, and the crisis intervention counseling. BOP psychologists continue to conduct training in Hostage Negotiation, Victim's Assistance, effects of victimization, critical incident debriefings, and Suicide Prevention. Psychologists also offer an extensive Employee Assistance Program (EAP) to all BOP staff. A Work Group on Organizational Stress was established to examine the special concerns of BOP employees. In addition, new pilot training programs are being developed to promote psychological wellness. The number of employee contacts for assistance continues to exceed contacts in similar agencies. The EAP helps to promote a "caring" philosophy among BOP staff.

BOP piloted a Value Development Program for inmates at seven institutions. This will assist the inmates in developing a more socially acceptable lifestyle after release, thereby increasing public safety.

Chaplaincy has diversified programming to include auxiliary programs to drug education and treatment. Marriage enrichment programs for inmates have become more widely provided. Kairos and Crucillo programs, which are weekend seminars with lectures, group sessions, sharing prayer and worshiping, continue to increase, handling approximately 40 to 50 inmates per seminar. Spiritual growth and personal counseling groups as well as Alternatives to Violence seminars are becoming more available. Family and parenting program, while still in their infancy, are being piloted. Spiritual Wellness, including values clarification, is now offered in two institutions (ICC Leisburg and ICC Bryan) by Chaplaincy.

All inmates except those specifically exempt (e.g., detained aliens), who do not have a verified high school diploma or GED, are required to enroll in a mandatory literacy program. A GED literacy standard was established in May 1991. Promotions to industry and institution jobs depend upon the prior attainment of a high school diploma or GED. Approximately 8,000 General Educational Development tests are administered annually. Non-English proficient inmates are also required to enroll in an English-as-a-second-language (ESL) program until they achieve eighth grade proficiency. In 1994, an additional 6,514 inmates enrolled in, and 1,405 completed an ESL program. Post Secondary Education programs continue to have one of the highest retention rates of all education programs. Completion rates in college courses are in excess of 84 percent. Over 300 federal prisoners earn college degrees annually, most of them occupationally oriented AA degrees.

Education services are now accredited by the regional commissions of colleges and schools at the Federal Correctional Institutions (FCI's) Alderson, West Virginia; Danbury, Connecticut; Milan, Michigan; Morgantown, West Virginia; Oxford, Wisconsin; Safford, Arizona; Tallahassee, Florida; Dublin, California; Sandstone, Minnesota; Terminal Island, California; Otisville, New York; Englewood, Colorado; and Ray Brook, New York; the Federal Prison Camp Boron, California; United States Penitentiaries (USP's) Leisburg, Pennsylvania; Lompoc, California; Terre Haute, Indiana; and Leavenworth, Kansas; and the Medical Center for Federal Prisoners at Springfield, Missouri.

Apprenticeship programs have been expanded to over 310 training units in approximately 134 different trade classifications in 36 institutions. Approximately 885 inmates enroll in apprenticeship programs annually. Computer assisted instruction (CAI) is available in most institutions. Fifty-three institutions use an integrated CAI system to supplement literacy, high school, and related classroom instruction. This system can provide up to 2,000 hours of individualized instruction.

PROGRAM CHANGES

	1995 Base		1995 Estimate		INCREASE/DECREASE	
	Pos.	MI	Pos.	MI	Pos.	MI
Inmate Care and Programs.....	9,866	9,116	9,988,802	10,128	9,164	\$1,028,417
					262	48
					\$39,615	

Population Increase. The request includes \$7,520,000 to provide for a projected increase of 5,997 in the average daily population; from 88,696 in 1995 to 94,693 in 1996. Within this amount, \$2,257,000 is for food and farm services, \$2,383,000 is for medical services and supplies, \$300,000 is for clothing, footwear, bedding, toiletries, etc., \$1,995,000 for unit management, \$461,000 for education programs, \$227,000 for leisure programs, \$121,000 for religious services, and \$178,000 for psychology services.

Infectious Diseases. For FY 1996, BOP is requesting a total of \$7,575,000 for an Infectious Diseases Initiative which addresses Tuberculosis (TB); Hepatitis; HIV/AIDS; BOP is seeking to provide screening of inmates (based on a projected population of 94,693); and HIV/AIDS. BOP is seeking to provide HIV vaccinations (approximately 30 staff per facility); and, treating and caring for HIV/AIDS patients (projected 259 AIDS population and projected 1,507 HIV positive population).

Kidney Dialysis Equipment (Spectra). For FY 1996, BOP is requesting 9 positions, 9 FTE and \$3,190,000 to staff and equip the kidney dialysis treatment center at Springfield, Missouri. BOP reprogrammed funds from the Modernization and Repair decision unit to renovate an existing building and utilize it as a kidney dialysis treatment center rather than depend on expensive contract care. The additional capacity, along with other on-line medical centers will meet future demands.

Other. For FY 1996, BOP is absorbing \$8,490,000 for the FY 1996 pay raise. This reduction will result in lowered availability for institution maintenance.

In addition, 233 positions, 39 workyears and \$29,820,000 are included to provide resources to activate new facilities in 1996 as follows:

Facilities:	Estimated Activation	Food and Farm Service		Medical Services		Other Inmate Services	
		Pos.	MI	Pos.	MI	Pos.	MI
Activation of New Facilities:							
Beaumont, TX FCC (1,536 beds Low).....	6/96	17	1	1,133	26	2	1,499
Beaumont, TX FCC (512 beds Minimum).....	9/96	5	1	264	9	1	412
Burner, NC PAC 763 beds (453 Medical/250 Low/60 Family).....		0	0	0	0	0	16,000
Activation of Expansions:							
Tallahassee, FL 150 beds Minimum Camp.....	12/95	2	1	379	2	1	409
FCC Camp 150 beds Minimum Camp.....	12/95	2	1	400	2	1	519
Ft. Worth 150 beds Minimum Camp.....	2/96	2	1	276	2	1	303
Crittchen, TX 150 beds Minimum Camp.....	2/96	2	1	276	2	1	303
Wichita, KS 150 beds Minimum Camp.....	5/96	2	1	309	2	1	482
TOTAL, Activations (2,848 beds).....		32	7	3,233	45	8	19,947
						3	0
						0	974

Facilities Only

The population projections do not include possible increases which could result from the Crime Bill of 1994 or additional Crime Bill legislation now under consideration in the 106th Congress. Further, BOP is redeveloping its population projection model. The past model produced projections which relied heavily on sentencing Commission data from the late 1980s. The refined model will add more recent statistics and incorporate long term trends.

Facilities:	Estimated Activation Date	Unit Management			Education			Leisure		
		Pos.	VI	\$000 Amount	Pos.	VI	\$000 Amount	Pos.	VI	\$000 Amount
Activation of New Facilities:										
Beaumont, TX FCC (1,536 beds Low)	6/96	66	6	648	14	1	231	7	1	231
Beaumont, TX FCC (512 beds Minimum)	9/96	26	2	146	5	0	23	2	0	23
Burner, NC FNC 763 beds (653 Medical/250 Low/60 Family)*		0	0	0	0	0	0	0	0	0
Activation of Expansions:										
Tallahassee, FL 150 beds Minimum Camp	12/95	7	3	638	0	0	40	0	0	36
IDC Lompoc 200 beds	12/95	7	4	745	0	0	126	0	0	110
Ft. Worth 150 beds Minimum Camp	2/96	7	2	488	0	0	79	0	0	70
Lexington, KY 150 beds Minimum Camp	2/96	7	2	488	0	0	79	0	0	70
Millen, MI 150 beds Minimum Camp	5/96	7	3	654	0	0	110	0	0	97
TOTAL, Activations (2,848 beds)		127	22	3,807	19	1	688	9	1	637

*Equipment Only

Facilities:	Estimated Activation Date	Religious			Psychology		
		Pos.	VI	\$000 Amount	Pos.	VI	\$000 Amount
Activation of New Facilities:							
Beaumont, TX FCC (1,536 beds Low)	6/96	3	0	58	6	0	58
Beaumont, TX FCC (512 beds Minimum)	9/96	1	0	18	3	0	18
Burner, NC FNC 763 beds (653 Medical/250 Low/60 Family)*		0	0	0	0	0	0
Activation of Expansions:							
Tallahassee, FL 150 beds Minimum Camp	12/95	0	0	0	1	0	0
IDC Lompoc 200 beds	12/95	0	0	13	1	0	104
Ft. Worth 150 beds Minimum Camp	2/96	0	0	7	1	0	70
Lexington, KY 150 beds Minimum Camp	2/96	0	0	7	1	0	70
Millen, MI 150 beds Minimum Camp	5/96	0	0	9	1	0	102
TOTAL, Activations (2,848 beds)		4	0	112	14	0	422

*Equipment Only

The activation dates listed above are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project. To avoid delays in acceptance of inmates, it is necessary to staff facilities a minimum of three months prior to activation, and equipment which requires long lead time is ordered at least six months prior to activation.

Activity: Inst. Security & Administration	1995 Availability			1996 Base			1996 Estimate			Increases/Decreases		
	Pos.	MI	Amount	Pos.	MI	Amount	Pos.	MI	Amount	Pos.	MI	Amount
Institution Security & Administration..	17,474	15,889	\$1,133,022	17,451	17,540	\$1,219,195	17,851	17,597	\$1,226,729	400	57	\$7,534
<p>LONG RANGE GOAL: Provide institution security, inmate control, and inmate supervision to assure maximum protection for the community, staff, and inmates consistent with program requirements in all BOP facilities. Continue preventive maintenance program, provide continuous service of all utilities in the most energy efficient manner, and provide transportation services in support of institutional operations ensuring maximum protection.</p> <p>To provide effective, comprehensive direction, and leadership to the Bureau of Prisons (BOP) by coordinating, initiating and evaluating planning and operational activities through the institutions. To continue to provide effective and innovative administration at all institutions and continually seek ways to improve existing administrative practices and procedures.</p> <p>To provide staff with the knowledge, skills, and abilities necessary to maintain a safe, secure, productive, and efficient correctional environment. To provide all staff with development opportunities to meet the future challenges of BOP and encourage personal growth and job proficiency.</p> <p>Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.</p> <p>MAJOR OBJECTIVES: Reduce or minimize the situations and opportunities which can lead to prohibited acts such as escapes, homicides, assaults, suicides, and drug transactions.</p> <p>Maintain an effective transportation system for prisoners in conjunction with the U.S. Marshals Service.</p> <p>Maintain and operate telecommunication and transportation services.</p> <p>Maintain the interior of all buildings such as plumbing, electronics, masonry, mechanics, carpentry and painting.</p> <p>Maintain the exterior of all buildings including landscaping, gardening, fence repair and painting.</p> <p>Implement motor vehicle management program.</p> <p>Purchase utilities and maintain and operate utility systems and central power plants.</p> <p>Provide executive direction and control at institutions.</p> <p>Maintain effective procedures for the processing and disposition of Federal offenders; maintain inmate records.</p> <p>Maintain an effective workforce and administer personnel policies. Implement an active career counseling and development program for staff to meet BOP's future and current needs.</p> <p>Provide institution-based operations training to all staff to enhance emergency responsiveness, facility security, and correctional skills proficiency.</p> <p>BASE PROGRAM DESCRIPTION: All institutions are assigned a security classification based in part on the physical design of each facility. There are four security levels: minimum; low; medium; and high. Additionally, there is an administrative category for specialized populations such as pre-trial, medical, etc. A separate classification system for families has been developed based on extensive research which indicates that female offenders generally do not require the same degree of security as male offenders.</p>												

Offenders are assigned a custody status which relates to the degree of supervision needed and ensures that offenders are placed in the least restrictive and least expensive correctional environment appropriate to their custody and security level needs. Each inmate is tracked through the Sheriff Information System. The result is a grouping of offenders with similar custodial needs in an institution. This significantly reduces the mixing of predatory and non-predatory offenders.

Within each institution, correctional officers are assigned to security posts which are primarily established on the basis of structural/visual considerations. The two basic categories of security are perimeter security and internal security. Perimeter security consists of a walled or fenced perimeter, supplemented by manned security towers, razor wire strung between a double fence, high mast lighting to illuminate the perimeter, motorized perimeter patrols and highly technical equipment such as alarm systems, and video surveillance. Entrances through the perimeter are controlled by a series of gates, both electrical and manual, supplemented by metal detection systems and search procedures for weapon and contraband control. For all practical purposes, all other security measures, processes and activities can be called internal security, commencing when an inmate is committed and terminating upon his/her release.

Supervision of inmates is provided in living units, visiting areas, dining halls, and any other area where inmates may be located or have access. Regularly scheduled counts are conducted several times a day in all institutions in order to monitor the whereabouts of inmates. Work supervisors and program personnel are held strictly accountable for all inmates under their supervision.

Violations of institution regulations are dealt with through the Inmate Disciplinary Process. Correctional staff investigate the incident, prepare a report and submit it to the Unit Discipline Committee. Depending on the seriousness of the charge, the Unit Committee may hear and decide the case or refer it to the Discipline Hearing Officer for appropriate action. An administrative remedy process provides for appeals to decisions of the Committee.

The Administrative Detention program provides for the separation of offenders from the general population who require special protection and for those who pose a serious escape risk or threat to the security and orderly operation of the institution. The Disciplinary Segregation Program provides for segregation of offenders who have committed serious prohibited acts within the institutional setting. Inmates who have committed serious prohibited acts are held in segregation only after a due process hearing where the inmate is given the opportunity to rebut the charges.

The maintenance program meets the requirements for adequately maintaining and operating the physical plants of BOP. Facilities vary in age from recently constructed to those 100 years old. One third of the facilities are more than 30 years old, which is the expected life of buildings without major capital expenditures. As of September 30, 1994, BOP facilities included approximately 25,700 acres and contain approximately 29.9 million square feet of floor area, all of which must be maintained and furnished utility services. Maintaining and repairing the physical plant, including steam power plants, sophisticated hospital equipment, emergency electrical power systems, and fire protection and life safety systems all require regular maintenance. Each institution maintains communication systems including complete private automatic branch exchange systems, radio systems including base station and mobile units and several electronic detection and control systems. Additionally, this program provides for the maintenance and operation of approximately 2,169 vehicles. Requirements are identified through regular inspections conducted in the on-going preventive maintenance program; formal semi-annual inspections; and through requests for specific needs identified by institution staff members. This program finances maintenance projects estimated to cost \$4,000 or less. Maintenance requirements in excess of \$4,000 are included in the "Modernization and Repair" program of the "Buildings and Facilities" appropriation.

The work within this program is accomplished almost entirely by inmate crews under staff supervision. Each work crew consists of a staff foreman and five to fifteen inmates. Each institution must have highly skilled staff with experience and training in every phase of construction and maintenance work including steamfitters, air conditioning mechanics and electronics repair. A few specific jobs are contracted out because special skills or equipment items are required, or because the work may be extremely dangerous. Examples of these jobs are elevator inspection and repair, radio frequency alignment, and water tower painting.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments of these programs are presented in the following table:

	1993	1994	1995	Estimate Change	1996
Institution Security:					
Staff to inmate ratio:					
Morning watch (midnight to 8:00 AM).....	1:53	1:60	1:60	...	1:60
Day watch (8:00 AM to 4:00 PM).....	1:26	1:33	1:33	...	1:33
Evening watch (4:00 PM to midnight).....	1:31	1:35	1:35	...	1:35
Escapes from secure institutions.....	6	6	2	1	3
Escapes from other (i.e., camps, CCC's, furloughs, transfers...)	572	608	768	77	845
Assaults.....	1,729	2,384	2,554	253	2,787
Auto thefts.....	32	32	13	1	16
Hostages.....	7	14	15	1	16
Institution Maintenance:					
Major maintenance projects completed ² (\$1,000-\$4,000).....	1,193	1,458	1,420	45	1,465
Minor maintenance projects completed ² (less than \$1,000).....	248,116	265,602	288,210	26,778	314,988
Preventive Maintenance ³	381,726	328,232 ⁴	337,527 ⁴	38,422	375,949 ⁴
Power Plants operated.....	42	46	52	3	55
Energy Consumption:					
Electricity (kWh) (in Millions).....	510.1	574.6	601.5	240.2	841.7
Heating Oil (gal.) (in Millions).....	3,102.7	3,509.8	3,624.8	493.1	4,107.9
#2 Fuel Oil (gal.) (in Millions).....	1.9	1.5	1.57	21	1.78
Coal (tons).....	9,753	3,123	3,123	0	3,123
Propane (gal.).....	116,337	118,513	124,068	16,666	140,734
Purchased Steam (lbs.) (in Millions).....	5,242.0	7.9	7.9	0	7.9
Vehicle miles driven (in Millions).....	17.5	19.5	23.9	3.3	27.2

¹Staff to inmate ratio is based on FCI El Reno with a population of 1,629 as of January 5, 1995.

²Although there will be opportunities for reduction in Major Work Orders and Minor Work Requests as the Preventive Maintenance Program continues to improve, the estimated maintenance workload will increase as these programs are implemented.

³Preventive Maintenance work orders due to a change in the classification of Maintenance Worthy Items in the Total Maintenance System (TMS) program. BOP establishes Institution staffing guidelines through on-going full-facility reviews which consider the Institution's security level, posts such as front entrance, control room, housing units, segregation/detention, visiting rooms, perimeter security activities areas, etc., and rated capacity and overcrowding level. The security staff coverage ratio is the percent of Institution posts that can be covered with available staff (workyears). Covering all posts improves security and is a factor in reducing the incidents of negative inmate behavior.

It should be emphasized that the Institution Security Program is on a twenty-four hours per day/seven days per week basis. Staff, as measured in workyears, must be distributed between three work shifts as identified in the workload table above. The workload table also indicates that the presentation of an overall security staff to inmate ratio (by authorized positions) of 1:13 in 1995 (12,854/97,280) would be misleading. As indicated in the above table, a BOP facility on the average could expect a security staff to inmate ratio of 1:60 on the morning watch, 1:33 on the day watch and 1:35 on the evening watch. In reality, even these ratios are misleading because the staff on duty are assigned to different posts, e.g., control room, housing units, perimeter security, etc. An officer assigned to a housing unit post can expect a 1:150/200 staff to inmate ratio.

The U.S. Penitentiary at Marion, Illinois is in the process of converting to a regular Federal Penitentiary. Currently, it continues to house some of the most dangerous offenders in the Bureau of Prisons as they are gradually moved into the new 400-bed Administrative/Maximum security facility at the Florence, Colorado complex which opened in August of 1994. We anticipate the remaining Marion inmates will be moved and the new facility to reach it's maximum capacity by the end of this year.

In FY 1996, BOP provided training for all Bureau emergency response teams to ensure staff are adequately prepared to respond to various types of emergencies.

As of January 9, 1995, the Bureau of Prisons continues to incarcerate approximately 943 Mariel Cuban detainees for the Immigration and Naturalization Service as well as another 499 who are serving Federal sentences. These Mariel Cubans face indefinite incarceration and are held in the Federal Detention Center, Oakland, California, which resulted in massive destruction of Federal property. They were also responsible for a 10-day disturbance in August 1991 at FCI Talladega, Alabama. The detention of Mariel Cuban detainees continues to present a long-term problem to both the Bureau of Prisons and the Immigration and Naturalization Service.

In coordination with the United States Marshals Service, the Bureau of Prisons maintains a Prisoner Transportation System including the transportation of witness security inmates. At the end of FY 1994, the Prisoner Transportation System handled 157,966 moves, including 153 witness security cases.

PROGRAM CHANGES:

PROGRAM CHANGES:	1995 Base		1995 Estimate		INCREASE/DECREASE	
	Permi. Posl.	WT Amount	Permi. Posl.	WT Amount	Permi. Posl.	WT Amount
Institution Security & Administration.....	17,451	17,540 \$1,219,194	17,851	17,597 \$1,226,729	400	57 \$7,534

Population Increases: The request includes \$3,972,000 to provide for security needs, \$1,693,000 for utilities, trash removal, and maintenance supplies, and \$2,279,000 for institution administration associated with a projected Federal inmate population increase of 5,997 from 85,694 in 1995 to 91,691 in 1996.

Fleet Management: In FY 1996, BOP is requesting a program increase of \$484,000 to expand the National Bus Center Operations. This amount is to fund supplies, training and equipment. The National Bus Center was opened in FY 1993 and is located on the grounds of USP Terre Haute. Its function is to service, repair, and to install security enhancements on BOP vehicles in the Inmate Transportation program. As the Bureau of Prisons expands, so will the demands placed on our National Bus Center. Currently, BOP has a total of 85 buses and projects 109 by FY 1996. Institution perimeter vehicles operate continuously, accumulating far higher than normal mileage, requiring extreme maintenance and averaging a two-year lifecycle. Investment in this initiative will provide a pay-off by improving the National Bus Center operations and extending the lifecycle of perimeter vehicles.

Other: In FY 1996, BOP is absorbing \$12,465,000 for the FY 1996 pay raise. This reduction will result in lowered availability for institution maintenance.

Activation of New Facilities: In addition, the request includes 400 positions, 57 workyears, and \$11,371,000 to provide resources to activate new facilities in 1996 as follows:

Facilities:	Estimate		INM. Security		INM. Maintenance		INM. Administration		Staff Training	
	Date	Pos.	WT	Amount	Pos.	WT	Amount	Pos.	WT	Amount
Activation of New Facilities:										
Beaumont, TX FCC (1,536 beds Low).....	6/96	170	16	1,802	28	2	100	41	3	141
Beaumont, TX FCC (512 beds Minimum).....	9/96	37	4	336	9	0	0	27	2	146
Butner, NC FMC 763 beds (453 Medical/250 Low/60 Female)*.		0	0	0	0	0	0	0	0	0
Activation of Expansions:										
Tallahassee, FL 150 beds Minimum Camp.....	12/95	8	4	592	1	0	0	6	3	864
ICC Compton 200 beds.....	12/95	17	2	1,167	1	0	0	6	3	808
Leavenworth, KS 150 beds Minimum Camp.....	7/96	8	2	807	1	0	0	6	0	725
Leavenworth, KS 150 beds Minimum Camp.....	2/96	8	2	807	1	0	0	6	0	725
Millen, MI 150 beds Minimum Camp.....	5/96	8	4	1,125	1	0	0	6	3	864
TOTAL, Activations (2,848 beds).....		256	41	6,310	42	2	100	98	14	4,600

Equipment Only

The population projections do not include possible increases which could result from the Crime Bill of 1994 or additional Crime Bill legislation now under consideration in the 104th Congress. Further, BOP is redeveloping its population projection model. The past model produced projections which relied heavily on Sentencing Commission data from the late 1980s. The refined model will add more recent statistics and incorporate long term trends.

The activation dates listed on the previous page are the best estimates available at this time. It is important to remember, however, that they are estimates and may be subject to change over the course of the project. To avoid delays in acceptance of inmates, it is necessary to staff facilities a minimum of three months prior to activation, and equipment which requires long lead time is ordered at least six months prior to activation.

Activity: Contract Confinement	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm. Pos.	VI	Amount	Perm. Pos.	VI	Amount	Perm. Pos.	VI	Amount	Perm. Pos.	VI	Amount
Contract Confinement.....	226	225	\$191,947	226	226	\$192,045	266	241	\$250,618	40	15	\$58,573

LONG RANGE GOAL: To provide, through contract, high quality, and diversified state, local, and private facilities to house all offenders requiring confinement outside the Bureau of Prisons (including Community Corrections Centers, formerly called Community Treatment Centers). Develop innovative Community Corrections programs to assist BOP with institution overcrowding, offender reintegration into the community, and to provide alternative sentencing options for the court.

MAJOR OBJECTIVES: Provide community residential resources to all BOP releases deemed eligible and appropriate for release to a Community Corrections Center (CCC) for an appropriate length of stay.

Provide placement and special monitoring of Intensive Confinement Center ("Boot Camp") inmates being released to the community.

Provide residential program bed space requested by the federal courts, the U.S. Probation Service, and the U.S. Parole Commission. Offenders sentenced to one year or less, where appropriate, may be placed in a CCC with Judicial concurrence.

Provide thorough and frequent monitoring of contract facilities while providing training for all contractors every 18 months.

Locate and provide suitable contract facilities to meet the growing needs of the offender population.

Provide accurate and timely information to the Central Inmate Monitoring and Witness Protection tracking system.

Keep the Federal law enforcement agencies aware of changes in BOP policy, sentencing alternatives and other areas of concern.

Maintain close relationships with State and local correctional agencies to exchange information and manage resources.

Provide individual case management services and perform administrative systems functions for inmates confined in contract facilities.

Initiate the designation of Federal offenders to appropriate BOP facilities.

Continue to place all offenders under the age of 18, committed under the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and the Sentencing Reform Act of 1984 in appropriate non-federal juvenile facilities.

Place juveniles near their homes and in community-based facilities whenever possible.

Place appropriate inmates in contract detention centers to reduce institution overcrowding.

House those offenders who are in danger in Federal Institutions, in state correctional institutions or other facilities.

House appropriate offenders with sentences of up to 45 days or less in local detention facilities.

Engage community resources in the reintegration of offenders into the community through expansion of current institution volunteer programs as well as to tap into new non-traditional services.

Relieve the burden on detention facilities caused by the return of Mariel Cubans to INS custody from federal, state and local criminal justice systems. To accomplish this, BOP resettles into the community Mariel Cubans approved for release by the INS through CCCs and family sponsorship programs.

Provide cost-effective health and mental health care services to Mariel Cubans at an inpatient mental health facility and provide community-based mental health treatment programs in CCCs for Mariel Cubans paroled from INS and BOP detention.

Expand the institutional hearing program administered by BOP, INS and Executive Office of Immigration Review, in order to increase the number of inmates who participate in deportation proceedings prior to their release.

BASE PROGRAM DESCRIPTION: Certain categories of federal offenders are designated for confinement in state, local and private facilities. These include: inmates sentenced under the Federal Juvenile Statutes, who must be separated from adult offenders and placed in community-based facilities near their residence whenever possible; and adult offenders, whose lives might be endangered in federal facilities (protection cases); and offenders with short sentences (generally three years or less) who are placed in local detention facilities (jails) for service of sentence.

In addition, BOP contracts with state, local, and private community corrections centers for community residential bed space for offenders who are eligible and need a pre-release transition program at the end of their sentences before returning to the community. Since January 1982, BOP has increased the number of inmates monitored by contract CCC's from 1,425 to a current average daily population of 5,700.

Contract confinement is provided for those offenders who the federal courts determine need more than probation and less than full institution confinement and services such as parole, probation or parole supervision but need more intensive services and/or programs than can be provided under the "community" supervision of the U.S. Probation Officer; and who are committed directly from court generally serving short sentences.

CCCs provide services to inmates attempting to establish themselves as fully functioning citizens while still under supervision. Available services include individual and group counseling, supervised living quarters, and employment assistance.

All of the Community Corrections Centers contain three program components, a Pre-Release Component for those offenders entering the community after serving a portion of their sentence in an institution and a Community Corrections Component, which is more punitive and restrictive for all other types of offenders, and a Home Confinement Component, where inmates are permitted to reside at their home and be gainfully employed while continuing in official detention status.

Community Corrections Managers (CCMs) develop contract resources and monitor contracts for the boarding of federal offenders in state and local institutions and in private residential community corrections centers. CCMs also make recommendations for designation of newly sentenced offenders and are responsible for the placement of direct commitments to non-federal facilities. They provide case management services to all federal inmates placed in non-federal institutions, and serve as technical consultants to contractors on BOP policy. In addition, CCMs serve as the BOP liaison with members of the U.S. Marshall's Service, U.S. Probation Service, U.S. Parole Commission, Federal courts, other federal agencies, state and local government agencies and local community agencies. As of December 1994, there were 32 Community Corrections field offices throughout the United States.

BOP has a National Office of Citizen Participation (NOCP) which engages community resources in the reintegration of offenders into the community through expansion of current institution volunteer programs as well as to tap into new traditional services.

Mariel Cuban outplacement through BOP CCCs provides highly structured residential and community-based services for those whose needs and criminal histories dictate substantial support and intensive supervision in order for them to become self-sufficient. Outplacement through family sponsorship provides transitional assistance to individuals whose needs and criminal histories do not require intensive residential or community supervision.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments for this program are presented in the following table:

	1993	1994	Estimates	
			1995	Change 1996
Number of contracts with juvenile facilities.....	31	32	36	3
Number of contracts with adult facilities.....	49	54	54	0
Number of contracts with jails.....	306	316	320	5
Number of contracts with community corrections centers.....	232	230	235	10
Average daily population:				
Contracted by population:				
Juveniles.....	136	132	142	158
Long-term Boarders (Adult Offenders).....	2,483	2,455	3,550	100
Jail/Detention Centers (Short Termers).....	1,043	1,034	1,050	50
Community Corrections Centers.....	4,500	5,000	5,800	1,200
Marital Cuban Outplacement Program.....	0	0	490	0
Total, Average daily population.....	8,362	8,621	11,032	1,508
				12,540

Since 1977, with only minor and unavoidable exceptions, BOP has been able to place all offenders under 18 years of age, as well as offenders sentenced under the federal Juvenile Delinquency Act and between 18 and 21 years old, in non-federal juvenile facilities. During 1994, BOP contracted for the confinement of an average daily population of 132 juveniles. We make every effort to place these juveniles in their home or adjacent states which enhances the opportunity to use available community resources and increases opportunities for visits and support from relatives and friends. As of December 1, 1994, BOP contracted for the confinement of an average daily population of 130 juveniles.

Passage of recent legislation which federalizes many criminal acts traditionally committed by juveniles and prosecuted locally could raise significantly the ADP of our juvenile population. Programs and research staff will be monitoring this area closely. Estimates of this population doubling is not unrealistic.

In addition, BOP currently uses adult state, local, and county correctional institutions to house an average daily population of approximately 2,500 adult (Long-Term Boarders) federal prisoners who need protection, have special needs, or are deportable aliens serving relatively short sentences. The BOP also contracts with Jail/Detention Centers to house short termers and CCC failures. With an average daily population of approximately 1,050 this allows an inmate to remain in close to family and at the same time saves the government transportation expenses to and from a federal institution.

Inmate contributions to the cost of residence in a Community Corrections Center, known as subsistence collections, have increased significantly over the past several years. The amount collected for 1992 was \$8.4 million, an increase from 1991, when collections amounted to about \$7 million. The amount collected for 1993 increased to \$9 million and \$10.9 million for 1994. In comparison, the 1994 subsistence figure amounted to less than \$1 million. In 1989, BOP's philosophy of encouraging inmate financial responsibility was expanded to community corrections and much greater emphasis was placed on subsistence collections. Inmates in CCCs are now required to pay the contractors 25 percent of their gross income, not to exceed the contract per diem rate. The contractors reduce their bills to BOP by the amount collected from inmates.

BOP is involved in three forms of home confinement (HC). The first and most frequent form of home confinement is the monitoring of the inmate by our network of Community Corrections Centers with these offenders not being monitored by electronic devices. These offenders are in daily telephone contact with the responsible center. Center staff make regular visits to the inmate's residence and place of employment, and the offenders are required to report to the center on a scheduled basis. The second is electronic monitoring through the U.S. Probation System. These programs utilize electronic monitoring devices as supervision tools. Finally, on a much smaller scale, BOP has contracts with local governments to place offenders on electronic monitoring systems. Ordinarily these are pre-release offenders being released to a geographic area where there are no Community Corrections Center resources available.

The total Home Confinement count as of September 30, 1994 was 945, with 821 on Home Confinement through CCCs. The remaining 124 were Electronic HC cases monitored by U.S. Probation.

The first Federal urban work camp (UWC) was established in October, 1990 in Philadelphia, Pennsylvania, allowing offenders to be placed in a Community Corrections Center for the last 18 months of their sentence. During the first year in the program the inmate is assigned to a Community Corrections Center and is required to perform menial labor for a local Federal agency. The only time the inmate is allowed away from the center is for this work assignment or other approved program activity such as substance abuse counseling or religious services. When the inmate reaches six months from release, he or she may be placed in the pre-release component of the center.

Currently, there are female and male UWC programs in Philadelphia, as well as programs at Kelly AFB, near San Antonio, Texas; the VA Hospital in Dallas, Texas; Fort Child AFB, Washington; Naval Air Station, San Diego, California; Fort McHenry, Baltimore, Maryland; the Forest Service, Colorado Springs, Colorado; Fitzsimons Army Hospital, Denver Colorado; and the Forest Service, Ocala, Florida. As of September 30, 1994, there were 233 Federal inmates in the urban work camp program.

As of September 30, 1994, BOP's Intensive Confinement Center (ICC) at Lewisburg, Pennsylvania, has an average population of 180 male inmates, and has successfully graduated 918 inmates from this program. As of September 30, 1994, there were 256 male inmates in the Community Corrections phase. The female ICC located at Bryan, Texas, was activated in July 1992 and maintains an average population of 120 inmates. Their initial class of 57 inmates graduated on January 13, 1993. As of September 30, 1994, 400 females have graduated from the institution portion of the program and were placed in the community corrections phase. As of September 30, 1994, there were 210 female inmates in the Community Corrections phase.

The National Office of Citizen Participation (NOCP) has completed a program statement for volunteers, prepared a volunteer handbook, conducted a joint seminar with the U.S. Probation Service on community resources and created a partnership with the Rainbow Coalition to start mentoring programs. In addition, the NOCP co-sponsored a major international conference on justice volunteerism. Also, a new reporting format was developed by the NOCP in order for volunteer numbers to be reported more accurately. Statistics show the volunteer rate for the Bureau of Prisons went from 4,300 volunteers in 1992 to 5,900 volunteers in 1994.

The BOP has made significant improvements in preparing Mariel Cubans to be released from BOP facilities in 1994. The number of Mariel Cuban detainees housed in BOP's secure Cuban unit has dropped dramatically as BOP has successfully stratified secure units and dispersed Mariel Cubans into general populations. These detainees are participating in work and program assignments outside of their units. This strategy has allowed the integration of these detainees into the community on INS parole. Despite the steady influx of cases transferred to INS custody at the conclusion of State and Federal sentences, the overall number of Mariel Cubans being detained for INS by BOP continues to decrease. In 1990, BOP housed 1,359 Mariels; as of December 15, 1994 only 946.

Other 1993/1994 accomplishments include:

- The 1,000 bed BOP/INS joint use private contract facility activated in Eloy, Arizona.
- As of December 1994, there were nine Comprehensive Sanction Centers (CSCs) in operation or in the final stages of implementation. An additional four sites are under consideration.
- NOCP held a National Issues Forum on Building Partnerships with the community. The conference brought 75 participants together to assist BOP in its offender reintegration initiative.
- BOP expanded the Community Drug Transitional Services Program. This program consists of intensive out-patient counseling and drug testing throughout transition to community life while in a Community Corrections Center or on home confinement. As of January 1, 1995, there were approximately 1,200 inmates enrolled in transitional services, and this number is expected to double in this fiscal year.
- The Community Corrections and Detention Division is working to secure contract services for pregnant offenders in community based programs located near BOP female institutions. There are currently four active pregnant offender programs or BOP's MINI (Mothers and Infants Together) contracts in Santa Clara County, California, Ft. Worth, Texas, Phoenix, Arizona, and Danbury, Connecticut, with one other site proposed. Women participate in the program at the CCC during their last two months of pregnancy and for three months after birth in order to bond with the child.
- The Mariel Cuban Drug Treatment Program at FCI Englewood, Colorado had 245 completions.

* Additional Institution Hearing Programs were established at: Leavenworth, KS; La Tuna, TX; Oakdale, LA; Danbury, CT; Dublin, CA, and Big Spring Contract Detention Center, TX and Eloy, AZ.

* A new Memorandum of Understanding was established with the U.S. Marshals Service defining the fiscal and operational responsibilities for sentenced and unsentenced prisoners in nonfederal contract facilities and for USMS prisoners in BOP facilities.

PROGRAM CHANGES:

	1995 Base			1995 Estimate			INCREASE/DECREASE		
	Perm.	Pos.	VI	Amount	Pos.	VI	Amount	Pos.	VI
Contract Confined.....	226	226		\$192,045	266	241	\$250,618	40	15
State and Locals.....									
Contract Confined.....									
State and Locals.....									

In FY 1996, BOP is requesting a total of \$4,945,000 for an increase in State and Local jail space. Community Corrections Centers. BOP anticipates the CCC population will increase by 1,200 in FY 1996, commensurate with BOP's institutional growth. Additionally, the Lompoc, California, ICC will open in 1995. The current ICC count is 475, and we anticipate an ICC population of 700 in FY 1996. For FY 1996, BOP is requesting a total of \$2,416,000.

Privatization of five facilities. The Bureau of Prisons FY 1996 request proposes further utilization of private companies, where most appropriate, to manage federal inmates. This expands the private sector role in Federal Corrections by contracting for the management and operations of several Federal prisons currently under construction. The majority of future pretrial detention, minimum and low security Federal prisons will be privatized. In FY 1996, BOP is requesting a total of 40 positions, 15 FTE, and \$31,432,000 to privatize several Federal institutions: Taft, CA (512 beds minimum and 1,536 beds low); Brooklyn, NY (1,229 beds detention); Forrest City, AR (1,536 beds low), and Tascos City, MS (1,536 beds low).

OTHER. In FY 1996, BOP is absorbing \$220,000 for the FY 1996 pay raise. This reduction will result in lowered availability for institution maintenance.

Activity: Management and Administration

	1995 Availability			1995 Base			1995 Estimate			INCREASE/DECREASE		
	Perm.	Pos.	VI	Amount	Pos.	VI	Amount	Pos.	VI	Amount	Pos.	VI
Management and Administration.....	1,159	1,229		\$121,952	1,167	1,237	\$126,144	1,167	1,237	\$124,495	0	0

LONG RANGE GOAL: To provide effective, comprehensive direction, and leadership to the Bureau of Prisons (BOP) by coordinating, initiating and evaluating planning and operational activities through the various central office divisions, regional offices, and the executive staff. To continue to provide effective and innovative administration and continually seek ways to improve existing administrative practices and procedures.

To provide staff with the knowledge, skills, and abilities necessary to maintain a safe, secure, productive, and efficient correctional environment. To provide all staff with development opportunities to meet the future challenges of BOP and encourage personal growth and job proficiency.

Provide for effective personnel administration including equal employment opportunity; an efficient and responsive financial management system including procurement and property management; and systems support administration and oversight.

MAJOR OBJECTIVES: Provide executive direction and control.

Plan, develop, coordinate, and evaluate BOP programs and activities; increase efficiency and program effectiveness;

Plan and implement National Performance Review objectives and the requirements of the Government Performance and Results Act;

Develop, formulate, and defend Bureau of Prisons formal budget submissions to the Department of Justice, Office of Management and Budget, Office of National Drug Control Policy, and Congress;

Provide effective financial management, including the administration and control of funds and positions appropriated to BOP, with emphasis on program manager involvement.

Maintain an effective workforce and administer personnel policies. Implement an active career counseling and development program for staff to meet BOP's future and current needs;

Provide introductory correctional training, continuing advanced correctional skills training, technical, professional education, and job specialty training; provide instructor skills and training-for-trainer programs to all local and national training instructors to ensure quality programs;

Provide supervisory, managerial, and executive training programs to meet the developmental and proficiency needs of BOP managers (including new Chief Executive Officers training classes);

Provide for equal employment opportunity ensuring the representation of minorities and women in the workforce, and increase the number of minorities and women promoted to management and supervisory positions;

Implement extensive cultural diversity and foreign language programs in order to effectively manage the increasingly diverse inmate and employee population;

Provide legal counsel relating to correctional management issues;

Review local labor contracts as they are negotiated assuring compliance with master agreement prior to approval;

Complete analysis of all Merit System Protection Board and arbitration decisions of the past 12 months to determine patterns and identify potential problems;

When necessary and appropriate, assist State correctional systems, the District of Columbia Department of Corrections, the U. S. Marshals Service, the Immigration and Naturalization Service, and other jurisdictions experiencing difficulties by housing their offenders;

Develop and monitor a National Network of Volunteer Language Translators;

Develop working relationships with higher learning institutions and State and local correctional agencies to investigate new and more efficient approaches to staff development, enrich BOP's efforts and assist others in law enforcement training;

Investigate alleged employee misconduct;

Maintain standards for safe and healthy working/living conditions; provide for a Drug Free Workplace;

Continue to enhance SENTRY and personal computer applications;

Establish, enunciate policy, and provide National procedures to implement policy;

Respond effectively to public and Congressional inquiries;

Process all official and inmate mail.

BASE PROGRAM DESCRIPTION: This budget activity covers costs associated with the general administration and provides funding for the central office, six regional offices, and three staff training centers. For example, included are oversight functions of the executive staff; regional and central office program managers in the areas of: personnel management; equal employment opportunity; financial management; administrative systems management; safety; staff training; facilities management; procurement and property management; mail; printing and reproduction; space management; research and evaluation; program analysis; budget development; budget execution; policy development and implementation; systems support; ADP services; and legal services.

The Bureau of Prisons is managed from a Central Office in Washington, D. C., where the Director, Assistant Directors, and Assistant Director/General Counsel guide the agency's headquarters functions, and six regional offices, each of which is led by a Regional Director. The Executive Staff, which includes the Director, Assistant Directors, and Regional Directors meet every other month to review all major issues and determine policy for BOP. The Management Staff at each institution including wardens, associate wardens, and executive assistants, provide overall direction and implement policies.

Staff training is provided on site at each institution; at three residential training centers; through external training provided by the Office of Personnel Management, National Academy of Corrections, other federal agencies; by colleges/universities; and by private agencies.

BOP sets and enforces high standards of personal and professional conduct in its workforce. The Office of Internal Affairs, reports to the Director and provides liaison and investigative assistance to the Department of Justice's Office of the Inspector General (OIG) regarding allegations of waste, fraud, mismanagement, and improper activities on the part of agency employees.

The Office of General Counsel provides legal advice, assistance, and representation to officials of the Federal Bureau of Prisons and Federal Prison Industries in: the areas of Commercial Law, Legislative and Correctional Issues, Litigation, Administrative complaints, Ethics Legal Administration and Labor Law.

The Community Corrections and Detention Division provides contract bed space for federal offenders serving their sentences in non-Bureau of Prisons locations. The Division has an instrumental role in the development of the nation's correctional facilities, design, construction, and renovation. Residential resources are provided for inmates who are nearing their eventual release date in order to provide a structured environment for inmates who need more assistance and supervision than can be provided by community supervision; develops and provides oversight to contract resources that provide secure confinement for all sentenced federal juvenile offenders; long-term federal inmates confined in non-federal institutions, and detention of federal offenders serving short sentences; maintains working relationships with U. S. District Courts, U. S. Probation, U. S. Marshals Service, U. S. Parole Commission, U. S. Attorneys, state, and local government agencies for the purpose of processing offenders into and out of the Bureau of Prisons; and the Division is charged with providing inmate systems and case management services to offenders in non-BOP facilities, and providing technical assistance to state and local criminal justice agencies, while serving as general liaison between the BOP and the public.

The Correctional Programs Division ensures a safe, secure institution environment for inmates and staff and encourages inmate population activities and programs. The Division provides leadership and policy direction in five areas: Correctional Services, Correctional Programs, Psychological Services, Religious Services, and Inmate Systems Management.

The Correctional Services Branch has primary responsibility for security and custody issues. This includes oversight for emergency preparedness (to include Special Operations Response Teams), locksmith operations, inmate discipline, inmate transportation, inmate transportation, and the Intelligence gathering network. Additionally, this Branch is responsible for monitoring and revising all Program Statements applicable to the Correctional Services discipline and developing specifications for all contracts pertaining to weapons, chemical agents, and emergency equipment. This branch contains several ways to reduce violence in BOP facilities, handling critical incidents, and providing security and safety for inmates, staff, and the community. Institutions, and enhancing the intelligence network for the detection and prevention of security hazards and the commission of crimes on federal property.

The Correctional Programs Branch is responsible for planning, documenting, monitoring, and providing the delivery of correctional programs and services to inmates. The Branch provides guidance, instruction, and technical support to field staff in the areas of Inmate Security, the central inmate monitoring system, unit management issues and training, case management, policy development, Victim/Offense and Financial Responsibility Program, and population issues. This branch ensures inmates are placed in an institution commensurate with their security and custody requirements and also coordinates and implements individual pre-release planning for inmates' successful reintegration into the community.

The Psychology Services Branch is responsible for psychology services, hostage negotiation training, the suicide prevention program, psychological evaluation for the community, victimization program, employee assistance program, and victim assistance training. In addition, the Branch is responsible for developing and implementing program initiatives through standardized drug education program, comprehensive treatment programs, and institutional transitional services programs.

Inmate Systems Management (ISM) ensures accurate computing of sentences, proper processing of inmates and property through receiving and discharge; provides U. S. Mail service; ensures special care is taken to detect the introduction of contraband and to ensure that all inmates are released on the correct statutory release date. In addition, Inmate Systems Management provides paralegal services for answers to show cause orders; determinations in sentence computation problems; interpretations of court orders; representation of the institution in court matters pertaining to inmate records; and providing expert testimony regarding sentence computation.

The Chaplaincy Services Branch facilitates opportunities for federal inmates to pursue their individual religious beliefs and practices, and attends to the spiritual needs of inmates. This Branch has provided extensive educational and pastoral care to institution staff members as their personal spiritual needs may require.

materials to ensure that BOP maintains protective provision for all faith groups in light of the Religious Freedom Restoration Act. As of December 1994, there are 180 Chaplains serving BOP's 79 institutions.

The Health Services Division has three missions -- provision of sound medical care, safety and environmental health, and food services. Health care branch ensures essential medical, dental, and mental health services to inmates by professional staff consistent with acceptable community standards. Safety and environmental health branch is responsible for a safe and healthful environment in which staff and inmates can work and live. Food service branch establishes requirements for healthy, nutritionally sound, and appetizing meals that meet the needs of the general population and those at nutritional risk.

The Human Resource Management Division (HRMD) is responsible for the development, implementation, and administration of a merit system for employees which includes recruiting, examining, selection, training, and promoting individuals on the basis of their knowledge, and skills regardless of their race, religion, sex, political influence, or other factors; staff discipline, contract negotiations, performance management, and overseeing of security background investigations. HRMD also establishes Bureau-wide personnel/training policies that meet legal and regulatory requirements of the Federal Government.

HRMD coordinates national recruitment efforts to ensure a pool of qualified candidates for all positions; plans, develops, and implements Affirmative Action Plans to ensure that all employees are treated fairly, equitably, and with care and consideration; develops and operates a national training program for the processing and classification of inmates; provides training for Correctional Officers, Correctional Treatment Specialist, Drug Treatment Specialist, Clinical Psychologist, Counselor, Physician Assistant, and Medical Doctor; develops an effective correctional workforce through challenging staff development experiences; designs and implements management and executive level development programs to meet leadership needs; provides expert advice and guidance on matters relating to the employees' union, employee grievances, and employee disciplinary actions; provides agency representation before administrative third parties; provides advice on local negotiations; represents the agency at national negotiations; ensures all employees are properly classified and receive all benefits, rights and entitlements; conducts research and analysis of Human Resource programs to support the development and enhancement of various initiatives.

BOP operates a training academy at the Federal Law Enforcement Training Center, Glynn, Georgia, which provides introductory correctional training for all new employees. The training academy provides facilities for the housing of students, training in firearms and self-defense. Course materials provide instruction on hostage situations, ethics, IPC skills, inmate/offenders, inmate profiles, legal procedures, etc. BOP also conducts programs at the Federal Law Enforcement Training Center Satellite facility in Artesia, New Mexico. This training center offers advanced correctional skills training, such as armed escort, firearms, and Spanish immersion.

Most of BOP's advanced workshops, and managerial and technical training are held at the Management and Specialty Training Center in Aurora, Colorado. A wide range of courses are available for supervisors and program managers and for trainers who conduct the institutions training program. These include courses for equal employment opportunity counselors, unit managers, correctional supervisors, legal staff and others.

Approximately 80 percent of BOP's training is conducted on site at the institutions. Each institution has an Employee Development Manager who plans, manages, and organizes the institution's training programs. Certain institution conducted courses are required by national policy. For example, each new employee must be given at least one week of orientation training immediately upon entry-on-duty. Each experienced employee must be given correctional refresher training each year in such subjects as self-defense, disturbance control, firearms, fire protection, and inmate supervision. Each new case manager and unit manager must complete a self-study course in case management operations within sixty days of appointment. Most other positions also have mandatory training requirements.

The Information, Policy, and Public Affairs Division facilitates the use and dissemination of information within BOP and to external constituents, including the general public, Congress, State and local governments, members of the criminal justice community, the media, and the general public. The Division includes offices of Public Affairs, Research and Evaluation, Information Systems, Policy Review, Documents Control, Security/Technology, Archives, and the Office of External Liaison.

The Office of Public Affairs is responsible for public information, public and media relations, Congressional liaison and communications functions and provides a wide range of public information services to the media, the public, and other organizations; serves as primary contact for all regional offices and 79 institutions seeking questions on media policy and national media contacts; coordinates major media contacts; responds to numerous inquiries from news organizations; compiles a detailed weekly report from the Director to the Attorney General; tracks and analyzes legislation in coordination with the

Department's Office of Legislative Affairs; maintains direct contact with Members of Congress and their staffs; responds to Congressional inquiries and concerns, as necessary; processes written and telephonic Congressional inquiries regarding BOP operations throughout the country; works with the Federal Judicial Center in conducting sentencing institution studies for Federal Judges; develops written communications for Bureau-related information, and disseminates information to the public; develops projects that enhance public knowledge of BOP and its programs; and coordinates information regarding Community Relations Boards in BOP institutions nationwide.

The Office of Research and Evaluation provides information relevant to current and future questions in the field of corrections through social science research which include analyzing current and proposed government policies, conducting studies, developing and maintaining information systems, maintaining the Central Office Library, producing and distributing reports, responding to information and technical assistance requests, and processing research proposals. The Research Office generates and distributes reports on such topics as recidivism, institutional social climate, inmate abuse problems of inmates, shock incarceration, impact of drug law sentencing on the prison population, and the relationship of work and vocational training of inmates to post-release employment and criminality; responds to requests for information or technical assistance from BOP staff and outside agencies; and generates data on such issues as population projections, inmate classification, inmate misconduct, non-citizens, low-risk segments of the prison population, and career paths of staff.

The Office of National Policy Review is responsible for quality assurance review of BOP's directives before issuance and for monitoring central office staff in directives issuance. It maintains a database and reporting system that tracks BOP policies, provides staff training and consults with central office staff about every aspect of policy development.

The Office of Security Technology is responsible for identifying, evaluating, assisting, and developing security/technology initiatives and equipment within BOP; centralizing the identification and screening of new equipment and technology for potential use; establishing relationships with other Federal and State law enforcement agencies; responding to requests for technical solutions to operational problems; coordinating evaluations with other BOP agencies; and conducting research, including field testing, and developing standards for the use of security systems.

The Office of Information Systems ensures the provision of modern, automated data and information systems for all BOP locations including computer services, application system development, technical support, personal computer support, financial systems, and field support.

The Office of Documents Control (ODC) is responsible for system wide management of directives, forms, printing, and electronic publishing, with an operational responsibility for central office mail and reproduction services. ODC also monitors the volunteer translator system.

The Office of Archives conducts historical research; develops books, articles, and special presentations on BOP history for both internal and external audiences; responds to requests from BOP offices, other Federal agencies, scholars, the press, and the general public for historical information and records; collects and preserves historical records and artifacts; conducts oral history interviews; and develops displays on BOP history. The Office of Archives also handles records management issues for BOP by devising records disposition schedules and standards, compiling a comprehensive agency records schedule, conducting liaison with the National Archives and Records Administration, coordinating transfers of records to the National Archives, and providing staff training and advice on records management procedures.

The Office of External Liaison coordinates and advises on international issues of interest to BOP, maintains liaison with foreign governments and international organizations requesting technical assistance, advice and information, and assists other U. S. Government agencies in their efforts to provide international assistance.

The Program Review Division facilitates organizational self-assessment by BOP managers to determine strengths and weaknesses; gathers information about BOP operations in a consistent and objective manner; provides accurate, relevant information to management in a timely manner; provides training, insight and strategies to assist management in the strategic planning process and the efficient, effective gathering, monitoring and sharing of data; coordinates and monitors appropriate oversight activities of audit and regulatory authorities; and ensures that effective management and operational procedures exist throughout the Bureau of Prisons.

The Program Review Branch reviews compliance with the laws, regulations and policy, adequacy of controls, efficiency of operations, and effectiveness in achieving program results, including exploring and developing a performance and program improvement strategy. The Branch is responsible for identifying, preventing, detecting, and correcting program deficiencies. The Branch is able to provide assurance that BOP programs are operating within policy and are free of fraud, waste, abuse, mismanagement, and illegal acts.

The Competition Advocate seeks to enhance deficit reduction, avoid wasteful spending, and accrue savings to the BOP through various competitive strategies which are designed to reduce contract costs. Savings generated by these strategies may then be used for other vital BOP programs.

The Program Analysis Branch is responsible for monitoring and evaluating BOP programs in order to provide timely and relevant information about specific program performance and Bureau-wide patterns and trends. Program Analysis Branch also assists Bureau staff with the development of management information systems and trains them in the use of these systems to monitor, evaluate and plan.

The Strategic Management Branch facilitates, monitors, and evaluates the agency's implementation of the Federal Managers' Financial Integrity Act by coordinating management assessments, providing a quality assurance mechanism for the progress review process, and organizing the Year-End Management Control Report for the Director, which is the General Accounting Office's (GAO) primary tool for assessing the performance of the Bureau. The Strategic Management Branch encourages the implementation of strategic planning through training, publication, and the dissemination of strategic planning updates, and by providing assistance to agency managers in the development and implementation of strategic goals, objectives and action plans. The branch is responsible for soliciting input from staff regarding needed changes in the agency and providing feedback on suggestions.

The Administration Division provides the resources and support necessary for BOP to perform in an effective and efficient manner. This includes the development of budget requests, the stewardship of financial resources, and procurement and property management; the design and construction of new correctional facilities, as well as the renovation and maintenance of existing facilities; and other administrative support services required by the organization.

The Budget Development Branch formulates BOP's resource requests; justifies the budget estimates by preparing formal budget submissions, written testimony and detailed data which support the agency's funding requests before the Department of Justice, the Office of Management and Budget, and the House and Senate Appropriations Subcommittees; and participates in the formulation of BOP's long-range Capacity Expansion Plan.

The Budget Execution Branch ensures operation within the appropriated funding and position levels by developing and overseeing adequate monitoring and control mechanisms; develops national policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, Office of Management and Budget, the General Accounting Office, the Department of Treasury, etc.

The Finance Branch ensures that all financial transactions are recorded in an accurate and timely manner in order to produce financial reports necessary to monitor the financial status of the institutions and the Bureau of Prisons; develops BOP accounting policy to ensure compliance with requirements and instructions issued by agencies such as the Department of Justice, the Office of Management and Budget, the General Services Administration, the General Accounting Office, and the Department of Treasury; pays BOP central office bills; and develops subsequent financial systems to meet the changing requirements of BOP and to enhance overall operations.

The Capacity Planning Branch coordinates and analyzes information related to capacity planning, covering such varied areas as female offenders, detention needs, medical facilities, population projections, new facilities construction and contract confinement; produces and updates BOP's Capacity Plan, which is the official composite plan for the institution's long-range capacity; and provides technical advice and support to the Federal Detention Plan, which is an interagency plan between the Bureau of Prisons, Immigration and Naturalization Service, and the U. S. Marshall Service.

Facilities Management directs and monitors the existing institution repair and improvement program; establishes policy governing the maintenance of existing facilities; and provides technical support to both BOP staff and outside entities regarding architectural, engineering, and facilities issues.

The Design and Construction Branch is responsible for the planning, design, and construction of new institutions for the Bureau of Prisons; develops design and related technical standards and policies for development of new BOP facilities; participates in BOP's long range capacity expansion planning; and provides technical advice and support within BOP and to outside entities related to architectural, engineering, construction, and project management issues.

The Procurement and Property Branch develops Bureau-wide procurement policy to ensure goods and services are acquired in a timely manner, within Federal statutory regulations, and at the best value to the Government; provides accurate accountability and control of BOP's property resources, and provides direct national contract services in the areas of community corrections, new facility construction, prime vendor pharmaceutical products, and other large volume requirements; provides contract oversight to regions and institutions.

The Site Selection and Environmental Review Branch identifies sites for new correctional facilities; provides public information programs for local officials and the general public to garner support for proposed facilities; and coordinates the development of the required environmental impact studies. Finally, the Trust Fund Branch provides complementary services, ensures the financial integrity of the Trust Fund and inmate deposit fund; and implements and manages a Bureau-wide inmate telephone calling program.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments for these programs are presented in the following table:

	Estimates			
	1993	1994	1995	1996
Institution Administration:				
Purchases Under \$25,000 (Dollars expended in thousands).....	\$284,392	\$355,000	\$397,000	\$405,000
Contracts Over \$25,000 (Dollars expended in thousands).....	\$612,261	\$430,000	\$455,000	\$650,000
Accounting transactions.....	3,775,502	4,319,602	4,735,602	4,735,602
Equipment purchased.....	33,510	49,602	46,565	61,004
Transfers in process.....	37,593	41,728	36,545	50,023
Other Movement In (Outflows, Writs, etc.).....	197,704	219,451	243,591	19,487
Discharges.....	22,226	24,671	27,385	2,191
Transfers Out.....	49,720	55,189	61,260	4,901
Designations.....	42,000	46,000	50,370	4,029
Other Movements Out.....	104,190	204,451	226,941	18,155
Movements in the BOP (includes promotions, laterals, transfers, new hires and separations).....	17,438	20,951	24,094	3,006
Staff Investigations.....	4,720	5,170	5,362	400
Accident/Injury Investigations.....	4,700	5,170	5,371	201
Fire Investigations.....	375	432	462	30
Environmental Coordination of Hazardous Waste, Recycling Programs, etc.....	74	80	83	17
Staff Training:				
External Training (Instances of Training).....	9,172	11,100	12,500	14,000
Staff Training Academy - Glynco Training (Instances of Training).....	3,509	4,475	5,000	5,076
Management and Specialty Training Center Training (Instances of Training).....	4,400	5,102	5,400	6,100
Internal Training (Instances of Training).....	110,000	140,000	165,000	175,000
Management and Administration:				
Policy Statements Issued.....	90	70	100	100
Change Notices.....	40	60	50	50
Operations Memoranda.....	350	300	300	300
Technical Reference Manuals.....	5	5	10	30
Electronic Pages Issued in SOPDCS.....	35,000	70,000	130,000	130,000
Electronic Forms Issued in SOPDCS.....	4,135	4,549	4,900	1,225
FOIA/Privacy Act Cases.....	7,369	7,900	8,200	8,500
Administrative Remedy Cases.....	28,907	31,800	34,980	38,478
EEO Cases.....	14,977	25,000	26,000	26,000
Ethics Training Participants.....	851	1,091	1,501	1,878
Contract Reviews for Legal Requirements.....				

During FY 1994, the Office of Archives prepared 805 letters, memos, and reports to BOP components, the news media, scholars, and the general public (31 percent increase over FY 1993). The Office also prepared 17 percent more oral presentations on BOP history over FY 1993. Additionally, the Office published one book and two major articles on BOP history; made seven oral presentations on BOP history to internal and external audiences; conducted oral history interviews with eight subjects; processed approximately 30 cubic feet of records in the Central Office collection; continued to work on an on-going project to process historical records at USP Marlon; completed revisions to the permanent historical exhibit at the former BOP facility at Alcatraz (now a National Park); set up temporary exhibits at FCI Tucson, FPC Seymour Johnson, and the Colorado Prison Museum; transferred 56 series of records to the Washington National Records Center; and submitted requests to the National Archives for disposition authority covering 43 series of records. In addition, the Office of Archives also provided assistance to the Office of Public Affairs in various ways, such as preparing speeches for the Director and assuming temporary responsibility for editing the *Federal Prisoner Journal*.

The Office of Information Systems enhanced the SENTRY system to accommodate changes in BOP policy and to provide additional network bandwidth capability needed to handle the daily transaction load. SENTRY is the on-line information system used by BOP to provide for most operational and information requirements. SENTRY encompasses inmate data, property management information, a legal reference system, a generalized data collection system and a nationwide electronic mail system. Development continues on the SENTRY Inmate Financial Responsibility (IRF) and Inmate Visiting modules. The IRF module will provide tracking and accounting information as well as interfaces with the U.S. Treasury and the U.S. Courts National Fine Center. The Inmate Visiting module streamlines the process of approving visitors and also provides controls for visitor monitoring, not only at single institutions, but at all BOP institutions collectively. Three new SENTRY categories were implemented: the Security Threat Group category tracks inmate involvement in prison gangs; the Community Corrections category allows for a variety of ways to track inmates in contract facilities; and the "diagnosis" category tracks inmates with disabilities, complying with the Americans with Disabilities Act. A new Inmate Education module was introduced which allows greater tracking of educational activities and products. Inmate Financial Responsibility (IRF) module was enhanced to include tracking of inmate financial transactions. SENTRY modifications were made to the Inmate Data Designations module to assure greater accuracy during initial inmate classifications. A project to convert the SENTRY network from analog to digital data transmission facilities is underway. Digital transmission will allow BOP to increase network speed to 56Kb, and, at the same time, maintain and increase data transmission quality and reliability. Also, this improvement positions the SENTRY network for the additional speed increases required to handle future local and wide area network communications requirements.

A BOP-wide risk analysis was completed for all personal computers. Training of all BOP staff in computer security awareness, as mandated by the Security Act of 1987, was also completed.

The OIS Networks Group completed and distributed a Network Standards Manual. This document provides detailed configuration, operations and installation information for local and wide area networks (LANs/WANs) throughout BOP. It allows the Central Office, regions and institutions to more easily manage and configure the network and office automation systems that support BOP staff.

Recent additions to the Central Office wide area network (WAN) permit electronic mail, documents and data to be transmitted to and shared among five separate BOP locations in downtown Washington.

The OIS PC Applications section combined a personal computer (PC) Risk Analysis System with a PC Trouble Ticket service tracking system to create a centralized computerized Control Room. A National Employee Awards System and a Security Clearance and Background Investigation Tracking system were also developed and distributed. A correspondence tracking system for use by all Central Office divisions was developed. Development of Institution tool room and visiting room control programs were completed. The tool room program is available to all institutions. The Access Control/Visiting Room Control system was developed and pilot tested at FCI Jexup. The system accurately identifies all who enter an institution by comparing the physical structure of hands and faces to information and images stored in a PC network based system. Three other institutions are performing further pilot tests of the system.

The Out-Patient Pharmacy Management System, the first module of the Health Care Information System (HCIS) was distributed to pilot test sites. Registration and Out-Patient Pharmacy modules were installed in fifty institutions, and existing HCIS sites were upgraded with new versions of HCIS. Development of additional modules for Dental and Scheduling functions began, and enhanced HCIS networking features were incorporated.

A Digital Snapshot System was developed to replace the use of Polaroid cameras and film for inmate snapshots. This system captures an image, stores it in a PC database, and can print the picture on regular paper stock and labels. This will avoid spending thousands of dollars in its first year of operation, including the cost to procure necessary hardware, software and video equipment. In future years, this system has the potential to avoid spending millions of dollars.

Action continues for the planned March 1995 award of a BOPNet contract. This network equipment procurement action is associated with BOP's BOPNet Initiative, which will link all BOP locations with local and wide area networks. A Request for Proposal (RFP) was issued. Proposals have been evaluated, and operational capabilities demonstrations (OODs) are underway. To provide some of the functionality of fully implemented BOPNet, the development of a strategy for and testing of a technical approach for data sharing and data exchange between BOP components was completed. This approach is anticipated to produce an interim low cost mainframe and personal computer data sharing capability by using existing computer and telecommunications network facilities.

The Office of Security Technology (OST) completed the evaluation of a custody control belt which provides an alternative to lethal force restraint for inmates in transit when mechanical restraints are undesirable. The office completed an analysis of the use of video surveillance cameras in a U.S. Penitentiary and is developing standards for the deployment of surveillance cameras. The office is planning a pilot test for a mobile x-ray system at the U.S. Penitentiary, Terre Haute, IN. OST is in the final stages of development of a helmet camera which will allow prison management to see on television and record what the SORT team sees at the scene of a disturbance, forced cell move, etc. Although such devices are available commercially, OST was able to build their own system for about 20% of the cost of the commercial system. During an eight-month pilot test of an access control system at FCI, Jessup, GA, 12,300 staff, inmates, and visitors were enrolled in the system which incorporates computer, video, magnetic strip card, and hand geometry technologies. 262,000 entries and exits were recorded with no escapes.

A Joint Automated Booking System (JABS) laboratory has been established at the Federal Detention Center in Miami, Florida. JABS will provide uniformly accepted booking data to all Federal law enforcement agencies and avoid duplicate documentation and valuable staff time when arresting and lodging prisoners at Federal Institutions.

The Program Review Division had developed a "mission-driven", results oriented approach to developing program evaluation monitoring tools (program review guidelines). Management assessments were completed for all organizational levels of each component within the agency and review guidelines were developed and published for all processes at risk of not accomplishing each program area's mission. In order to continuously monitor program effectiveness and strategic plans, future management assessments will be conducted on a quarterly basis.

Prior to FY 1994, the computation of inmate sentences had been identified as a significant concern to the Bureau of Prisons. Through specialty training and the issuance of comprehensive policy, the accuracy rate in sentence computations has improved, and although it remains an area closely monitored, is not considered a significant concern to the Bureau of Prisons.

As of December 1994, 58 institutions have been accredited by the American Correctional Association for three year terms. During FY 1994, 26 institutions have contracted for accreditation of which 19 are for reaccreditation. Nine facilities have begun initial accreditation procedures.

BOP continued to emphasize and provide ethics training for all BOP staff to heighten awareness of ethics-related issues and to prevent development of not only conflict-of-interest situations, but also circumstances that might give the appearance of such a conflict. Approximately 25,000 staff were trained in fiscal year 1994.

BOP's policies were upheld in the following significant cases: *Don Farmer v. Edward Bernard Cullen*. On November 10, 1994, the Federal District Court in Wisconsin granted summary judgment to all BOP defendants in the *Don Farmer v. Edward Bernard Cullen* case. This case was brought by transsexual inmate Don Farmer against BOP staff in their individual and official capacities for alleged violation of inmate Farmer's Eighth Amendment rights. Specifically, inmate Farmer alleged that the defendants were "deliberately indifferent" to his safety by housing him in the general inmate population at the United States Penitentiary (USP), Terre Haute, Indiana, and thereby subjected him to a sexual assault by another inmate. This case was the subject of a Supreme Court opinion in June, when the Court established the standard for "deliberate indifference" in prison Eighth Amendment cases and remanded the case to the Federal District Court.

After being given an opportunity for discovery by the District Court, the plaintiff was unable to establish any objective evidence that prison officials knew or could have known there was a substantial risk of serious harm to him in the general population at USP Terre Haute.

The Office of General Counsel reviewed, on behalf of the Deputy Attorney General, applications submitted by state and local entities for certification of their inmate grievance procedure. Nine procedures were certified in FY 1994.

The OGC has implemented an Orientation Program to help ensure that the Bureau of Prisons is receiving the best representation possible from U.S. Attorney Offices. This program covers both criminal issues (e.g., inmate designations, crimes on the reservation, and competency evaluations) and civil issues

(e.g., overview of prisoner litigation issues, service of process, and jail time credit). To the extent resources are available, the Office of General Counsel and Review plans to continue providing this service.

In 1995, OGC is working with the Attorney General's Advocacy Institute to provide a consolidated three-day training program for U.S. Attorney Office personnel on prisoner/pro se litigation. This program trained Assistant U.S. Attorneys handling prisoner litigation in their districts in the procedures and legal issues unique to this litigation. The program also facilitated interaction between the Bureau of Prisons legal staff and the U.S. Attorney Offices.

During 1994, the Capacity Planning Branch updated: the Short Term Tactical Plan, Intermediate Capacity Plan, and the Long Term Plan which identifies long range needs through 2002. The Branch also prepared, and the Executive Staff approved, a paper which revised the methodology for computing rated capacity at the minimum security level. In 1995, to work toward the Bureau's goal of locating female offenders close to their homes in order to maintain family ties, the Bureau established a Federal Medical Center at Carswell AFB, Texas and satellite camps at Butner, North Carolina; Carswell, Texas; Dublin, California; and Lexington, Kentucky.

The Procurement and Property Branch in conjunction with the Veterans Administration negotiated a Prime Vendor Contract for pharmaceuticals for all BOP facilities. The Prime Vendor Contractor is responsible for providing pharmaceutical supplies to all BOP facilities within 24 hours. The Prime Vendor will cut pharmacy costs by reducing inventory maintained on hand; reduce waste (expiration dates, depot returns); provide for standardization of drugs; and, reduce work hours. In addition, the Procurement and Property Branch created a new section called ADP Contracting, which provides Federal Information Processing (FIP) acquisition expertise, policy and procedure guidance to BOP Regions and Institutions. ADP Contracting, under the Procurement and Property Branch, is negotiating the BOP's first national contract for Federal Information Processing (BOP's Computer Requirements) resources. The estimated amount of this contract over a four year period is a maximum \$37 million.

The Finance Branch is working with the Department of Justice (DOJ) and the Department of Agriculture's, National Finance Center (NFC) on a conversion from the Bureau of Prisons (BOP) current relocation authorization and release program to the NFC's relocation program. This conversion will streamline the issuance and collection of travel advances, reimbursement of relocation expenses, and the processing of relocation tax information. In addition, the Finance Branch developed a Prompt Payment Quality Control (QC) Review program streamlining the QC Review process by utilizing data downloaded from the Treasury Payment Module (TPM); is working with DOJ on the BOP's migration to DOJ's automated accounting system; and requested enhancements to the TPM system providing additional management reports, improving the procedures for processing check cancellations, and adding the capability to process Electronic Funds Transfer payments.

As of December 7, 1994, the new Inmate telephone system has been installed at 50 Institutions. This system allows the inmate to direct dial using an access code number. This in turn, debits his/her trust fund account immediately, placing this financial burden on the inmate instead of on family members and friends who previously received collect calls.

The BOP continues to lend assistance to many state correctional systems experiencing difficulty by housing their offenders. As of January 10, 1995, there are 350 state offenders in BOP facilities. In addition to state prisoners, there are 185 from the District of Columbia and 164 territorial prisoners serving sentences in Federal Prisons. To assist the U.S. Marshals Service in housing unsentenced Federal prisoners, the BOP has established or expanded jail units for pre-trial detainees at several Institutions. There are 5,007 pre-sentenced detainees in BOP facilities. As of January 10, 1995, 18,093 prisoners are non-citizens, representing 21 percent of BOP's inmate population within our facilities (excluding contracts).

The Inmate Financial Responsibility program (IFRP) continues its success in its systematic collection program for court-imposed fines, fees, and costs, which otherwise remained unpaid in many instances. The program resulted from close coordination between BOP, the Administrative Office of the U.S. Courts, and the Department of Justice, and was implemented system-wide in April 1987. Under IFRP, BOP encourages sentenced inmates to satisfy their legitimate financial obligations by developing a financial plan which considers both outside assets and their earning capabilities while incarcerated. Participation in the program is reviewed each time an inmate's demonstrated level of responsible behavior, in areas such as custody reduction or good time placement, is reviewed. In 1994, there were 21,119 inmates in custody who were identified as having some type of financial obligation. Of this total, 18,946, or 89%, were required to participate in the program. In the last fiscal year, \$3,677,669 was collected through Inmate Institution accounts. Through the first 2 months of FY 1995, BOP has collected \$461,010 through inmate accounts.

Pay initiatives continue to play a major role in the Human Resource Management Division. Technical amendments to FEPCA broadened the coverage of pay reform benefits, and an outline for a new pay and classification system for law enforcement officers was developed. Other pay issues include conducting

the OPM-mandated systems-wide review of the pay grades of supervisors, both white and blue collar. For example, we have reclassified over 3,000 federal wage system positions.

To improve recruitment and retention, the HMD has worked with OPM to revise the qualification requirements for key occupations, such as Correctional Institution Administrator, Correctional Treatment Specialist and Correctional Officer. At OPM's request, the Staffing Section is developing an entirely new government-wide qualifications standard for the position of Physician Assistant. Additionally, the Division sought from DOJ, and was granted, the ability to approve higher entry rates of pay for highly qualified applicants. To ensure proper retirement planning, the Division has been extremely active in promoting the Thrift Savings Plan and has achieved and maintained a 94% contribution rate for FEBS staff.

Established in September 1987, the National Recruitment Office (NRO) continues to perform, coordinate, and monitor specialized recruitment activities for the Bureau of Prisons. NRO's focus remains on military and minority recruitment efforts and on attracting candidates for hard-to-fill positions. Recruitment efforts continue to be concentrated in the areas of recruitment of military and minority personnel, recruitment of women, and recruitment of minority publications and military newspapers continue as does BOP's commitment to staff vacancies using the Veterans Readjustment Act hiring authority. Special emphasis is being placed on the recruitment of minorities and women into wage grade positions.

BOP continues to operate its own applicant processing and hiring program for select occupations including critical hard-to-fill positions such as Medical Officer, Physician Assistant and Psychologist in addition to Correctional Officer, the core of BOP, and Correctional Treatment Specialist and Drug Treatment Specialist. Over 25,000 applications were processed during fiscal year 1994. It is expected that approximately 30,000 applications will be processed in FY 1995 and an additional 35,000 applications in FY 1996 in order to meet anticipated staffing demands due to the activation of several future facilities and the anticipated increase in the number of positions in the Bureau of Prisons. The Bureau is currently in the process of planning to convert the Correctional Officer register to an automated application rating system using optical scanning technology. Additionally, examining is preparing to implement new BOP wide procedures that will streamline hiring in all occupations and reduce agency dependence on OPM. These initiatives are consistent with National Performance Review objectives. The Examining Unit's automated register process has been designated as a Reinvention Laboratory by DOJ.

A new automated case tracking system has been developed for LHM research and statistical reporting. An average of 38 new cases (ULP's, grievances, MPPs and EEOC) are handled each month. LHM continues to expand Labor Management Relations training to local institutions. Intensive training on the new Master Agreement was conducted Bureau-wide.

The Department of Justice (DOJ) delegated the authority to grant Executive Order 104501 Employment Security Approvals and to waive the preappointment full-field background investigation (81) requirement to the Bureau of Prisons in November 1992. As a result, a centralized security section was activated. Approximately 23,000 81 files were transferred from DOJ to the new unit. A backlog of 1,525 initial investigations and 3,021 reinvestigations has been eliminated, and the program is now current.

The Human Resource Management Division continues to implement its strategic plan to meet BOP's staff development needs during a period of rapid growth. An organizational structure has been put in place to establish appropriate responsibilities for the development, delivery, and support of training services. The program is designed to meet the needs of the Bureau of Prisons by providing a wide range of training services. Training services include: Supervision and a wide range of effective alternative training delivery systems such as correspondence, computer-based, and video training courses. Development and a wide range of effective alternative training delivery systems such as correspondence, computer-based, and video training courses. BOP expansion has significantly increased the need for extensive supervisory and management programs. The agency has initiated on-site basic supervision training at all facilities, an eight-day residential program for all new managers with extensive testing and feedback built into it, a comprehensive 16 course self-study series for generalist managers, and intensive case study oriented training for new Wardens and Associate Wardens.

The Management Preference Profile System (MPPS), an automated information system which merges mainframe payroll and training data with microcomputer based data, provides the Executive Staff with personal career and mobility information collected from upper level managers. At the end of 1994, the MPPS contained information on almost 4,000 employees. The system is designed to provide a means of analyzing the career development needs of the Bureau's staff. Each manager in the MPPS is represented with an up-to-date BOP resume. An annual analysis of the MPPS includes the production of clear indicators of the consistency and change in the BOP management workforce. The information in the MPPS is critical to the satellite succession planning system which is undergoing major revision to develop qualified candidate pools for anticipated upper level management vacancies.

Career planning seminars were presented in all New Associate Warden's Training Programs, other management training to enhance managers' understanding of the correctional system, and seminars on inmate discipline. In addition, the Director's Management Development Seminar Series began which consisted of 12 seminars involving public policy and administration as well as leadership and management.

Consistent with recommendations from the National Performance Review and BOP's continued commitment to the belief that employees are its greatest resource, BOP and the American Federation of Government Employees Council of Prison Locals signed a partnership agreement in early February 1994. This agreement is essential to insure that BOP meets its mission and develops the highest level of professional competence in all of its employees. The major highlight of the Agreement is the commitment to move forward toward the development and implementation of a National Partnership Council to implement Executive Order 12071.

BOP continues to have one of the lowest correctional officer to inmate ratios of any correctional system in the United States. This is possible by requiring inmates to participate in inmate education, inmate work programs, inmate medical care, inmate mental health care, inmate religious and spiritual care, inmate security and treatment of offenders.

The BOP has taken a lead role among government agencies in the protection and preservation of the environment. Activities include the establishing of a national recycling program, hazardous waste minimization, and reduction of total waste stream for all BOP institutions. The safety program involves the inspection of institutions for sanitation, rodent infestation, unsafe working conditions, and presence of hazardous chemicals. The safety staff at each institution is responsible for processing accident reports and compensation forms for employees.

The calculated amount of landfill space saved by the Bureau of Prisons' recycling program in 1994 was 8,855 tons. Figuratively speaking, BOP has taken money out of the trash and invested it in the environment. In addition, \$601,431 of benefits was derived from recyclable materials.

In addition to recycling materials, BOP has also made a concerted effort to purchase materials made with recycled content. In FY 1992, BOP purchased \$2,947,054 of goods containing recycled material. In FY 1993, BOP purchased \$1,687,988 of goods and in FY 1994 BOP approximately purchased \$1,535,465 containing recycled material.

PROGRAM CHANGES

	1994 BOP		1994 Estimate		INCREASE/DECREASE				
	Per.	WT	Per.	WT	Per.	WT			
Management and Administration.....	1,167	1,237	\$126,144	1,167	1,237	\$124,495	0	0	(\$1,649)

Quar. In FY 1996, BOP is absorbing (\$1,649,000) for the FY 1996 pay raise. This reduction will result in lowered availability for institution maintenance.

Federal Prison System
 Salaries and expenses
 Justification of Need - Active Program Changes
 Prison Personnel

Estimates by Program	1969 Activities											
	Desamont, TX FCC (Low)			Desamont, TX FCC (Mid)			Butler, NC FMC			Tallahassee, FL Camp		
	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount	Pos.	WY	Amount
Inmate Care and Programs												
Inmate Care	45	3	\$3,113	18	2	\$422	0	0	\$18,000	4	2	\$600
Inmate Programs	60	6	1,220	37	2	278	0	0	0	14	4	572
Subtotal	141	11	4,333	55	4	1,080	0	0	18,000	18	6	1,172
Institution Security and Administration												
Institution Security	170	16	1,802	37	4	336	0	0	0	6	4	1,126
Institution Maintenance	28	2	100	9	0	0	0	0	0	1	0	0
Institution Administration	41	3	481	27	2	148	0	0	0	6	3	871
Staff Training	3	0	84	1	0	18	0	0	0	0	0	62
Subtotal	242	21	2,471	74	6	502	0	0	0	13	7	2,066
Contract Confinement	0	0	0	0	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL	383	32	6,780	129	10	1,582	0	0	18,000	31	13	3,838

Justification of Budget - Activity Program Changes Cont'd

Estimates by Program	1988 Activities												Population Increase Amount		
	ICC, Longtop				Ft Worth, TX Camp				Lexington, KY Camp					Total Activities	
	Pos	WY	Amount		Pos	WY	Amount		Pos	WY	Amount	Pos		WY	Amount
Inmate Care and Programs															
Inmate Care	4	2	\$1,150	4	2	2	\$639	4	2	2	\$639	80	15	\$4,154	
Inmate Programs	8	4	1,096	8	2	2	714	4	2	2	714	173	24	5,099	
Subtotal	12	6	2,246	12	4	4	1,353	12	4	4	1,353	253	39	9,253	
Institution Security and Administration															
Institution Security	17	9	1,187	8	2	2	817	8	2	2	801	258	41	6,340	
Institution Administration	1	0	0	1	0	0	0	1	0	0	0	14	14	4,800	
Institution Maintenance	8	3	608	8	0	0	725	8	0	0	725	98	4	2,379	
Staff Training	0	0	81	0	0	0	56	0	0	0	56	4	0	331	
Subtotal	24	12	2,066	16	2	2	1,348	16	2	2	1,342	460	87	11,371	
Control Confinement	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Management and Administration	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	36	18	4,312	28	6	6	2,651	28	6	6	2,695	683	98	11,191	
														13,335	

Justification of Multi-Activity Program Changes Cont'd

Estimates by Program	Tall CA FCI			Brooklyn NY MDC			Forest City, AR FCI			Vero, City, MS FCI			Community Corrections Centers			State & Locals			Total		
	Pos			Pos			Pos			Pos			Pos			Pos			Pos		
	WY	Amount		WY	Amount		WY	Amount		WY	Amount		WY	Amount		WY	Amount		WY	Amount	
Inmate Care and Programs																					
Inmate Care	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Inmate Programs	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Subtotal	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Institution Security and Administration																					
Institution Security	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Institution Maintenance	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Institution Administration	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Staff Training	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Subtotal	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
Contract Confinement	10	\$13,145		10	\$	829	10	\$4,309		10	\$2,152		10	\$22,419		10	\$4,945		10	\$59,793	
Management and Administration	0	0		0	0		0	0		0	0		0	0		0	0		0	0	
TOTAL	10	\$	13,145	10	\$	829	10	\$4,309		10	\$2,152		10	\$22,419		10	\$4,945		10	\$59,793	

Justification of Multi-Activity Program Changes Cont'd

Estimate by Program	Medical		Fleet Management		Absorption of 1946		Total Program Increase	
	Pos	WY	Pos	WY	Pos	WY	Pos	WY
Inmate Care and Programs								
Inmate Care	0	0	0	0	0	0	0	0
Inmate Programs	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0
Institution Security and Administration								
Institution Security	0	0	0	0	0	0	0	0
Institution Maintenance	0	0	0	0	0	0	0	0
Institution Administration	0	0	0	0	0	0	0	0
Staff Training	0	0	0	0	0	0	0	0
Subtotal	0	0	0	0	0	0	0	0
Contract Confinement	0	0	0	0	0	0	0	0
Management and Administration	0	0	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0	0	0

Federal Prison System
Salaries and Expenses
Financial Analysis - Program Changes
(Dollars in thousands)

Grades	Item	Inmate Care & Programs		Institution Security and Administration		Contract Confinement		Management & Administration		Total Program Changes	
		Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GM-15	.....	2	\$312	2	\$156	---	---	---	---	6	\$468
GM-14	.....	2	133	5	332	---	---	---	---	7	465
GS-13	.....	20	1,124	10	562	---	---	---	---	30	1,686
GS-12	.....	28	1,323	7	331	12	\$567	---	---	47	2,221
GS-11	.....	91	3,587	21	828	---	---	---	---	112	4,415
GS-09	.....	44	1,433	28	912	28	912	---	---	100	3,257
GS-08	.....	1	29	138	4,070	---	---	---	---	139	4,099
GS-07	.....	24	639	104	2,770	---	---	---	---	128	3,409
GS-06	.....	---	---	32	767	---	---	---	---	32	767
GS-05	.....	24	516	---	---	---	---	---	---	24	516
Ungraded	.....	24	1,105	53	2,440	---	---	---	---	77	3,545
Total Positions and annual Rate	.....	262	10,201	400	13,168	40	1,479	---	---	702	24,848
Lapse (-)	.....	(214)	(8,220)	(343)	(11,492)	(25)	(924)	---	---	(582)	(20,636)
Pay Rate Absorption	.....	---	(5,943)	---	(8,725)	---	(154)	---	---	---	(15,976)
11.1	Workyears and Compensation	48	1,881	57	1,676	15	555	---	---	120	4,212
11.5	Other personnel compensation	1	62	1	47	---	---	---	---	2	109
11.8	Special Personal services payment	---	140	---	---	---	---	---	---	---	140
12.0	Total Workyears and compensation	49	2,183	58	1,723	15	555	---	---	122	4,461
21.0	Personnel benefits	---	880	---	1,239	---	249	---	---	---	2,368
22.0	Travel and trans of persons	---	56	---	1,021	---	96	---	---	---	1,173
23.1	Transportation of things	---	5	---	316	---	144	---	---	---	465
23.2	Rental payments to GSA	---	---	---	---	---	---	---	---	---	---
23.3	Rental payments to others	---	---	---	---	---	---	---	---	---	---
24.0	Comm, utilities and misc.	---	---	---	---	---	---	---	---	---	---
24.0	Printing and reproduction	---	---	---	1,206	---	---	---	---	---	1,206
25.0	Other services	---	---	---	98	---	---	---	---	---	98
26.0	Supplies and materials	---	3,806	---	(2,524)	---	57,241	---	(824)	---	57,699
31.0	Equipment	---	9,407	---	4,858	---	88	---	(825)	---	13,526
41.0	Ganis, subsidies, and contracts	---	23,223	---	(403)	---	200	---	---	---	23,020
42.0	Insurance claims and indemnities	---	55	---	---	---	---	---	---	---	55
	Total Workyears and Oblig, 1896	49	39,615	58	7,534	15	56,573	---	(1,849)	122	104,073

Federal Prison System
Salaries and expenses
FY 1996 Priority Ranking

Base Program		Program Increases	
<u>Program</u>	<u>Ranking</u>	<u>Program</u>	<u>Ranking</u>
Inmate Care & Programs.....	1	Population Increase.....	1
Institution Security and Administration.....	2	Activations.....	2
Contract Confinement.....	3	Contract Confinement.....	3
Management and Administration.....	4	Medical.....	4
		Fleet Management.....	5

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Federal Prison System
Salaries and expenses
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Enacted	1996	
			Changes	Request
Attorneys (905).....	99	99	1	100
Paralegal Specialist (950).....	86	101	4	105
Other Legal and Kindred (900-998).....	354	429	45	474
Correctional Institution Administration (006).....	1,493	1,574	30	1,604
Corrections officers (007).....	11,518	12,947	279	13,226
Other Misc. Occupations (001-099).....	517	568	11	579
Soc. Science, Econ. and Kindred (100-199).....	1,908	2,101	(176)	1,925
Personnel Management (200-299).....	937	1,008	13	1,021
General Admin clerical and office services (300-399).....	1,821	1,936	49	1,985
Biological science (400-499).....	3	3	0	3
Accounting and Budget (500-599).....	879	963	22	985
Medical, Dental & Public Health (600-799).....	1,792	2,121	54	2,175
Engineering and Architecture Group (800-899).....	203	203	0	203
Information and Arts Group (1000-1099).....	14	14	0	14
Business and Industry Group (1100-1199).....	393	421	11	432
Mathematics and Statistics Group (1500-1599).....	0	0	0	0
Equipment, Facilities and Service Group (1600-1699).....	395	457	13	470
Education Group (1410-1411; 1700-1799).....	815	924	19	943
Supply Group (2000-2099).....	124	134	2	136
Ungraded (culinary, farm, mechanical & construction).....	2,609	2,847	85	3,032
Total.....	25,860	28,950	462	29,412
Washington.....	810	816	0	816
U.S. Field.....	25,050	28,134	462	28,596
Total.....	25,860	28,950	462	29,412

Federal Prison System
Salaries and expenses
Schedule of motor vehicles

Method of Acquisition and Type of Vehicle	1993	1994		1995	1996		End-of- Year	Average Cost	Disposed	End-of- Year	
	End-of-Year Inventory	Acquired	Disposed	End-of- Year	Acquired	Disposed					
Direct Purchase:											
Large sedan	99	46	22	123	53	28	148	65	\$16,600	32	181
Midsize sedan	73	10	2	81	27	14	94	30	15,400	16	108
Compact sedan	57	17	8	66	25	13	78	43	11,900	18	103
Subcompact sedan	0	0	0	0	0	0	0	0	0	0	0
Station wagon	82	3	15	70	12	8	74	9	18,000	10	73
Van 4x2	303	67	28	341	159	88	412	143	16,000	95	460
Van 4x4	0	0	0	0	0	0	0	0	0	0	0
Truck 4x2 Util.	332	90	88	334	75	41	388	108	36,000	86	388
Truck 4x4 Util.	0	0	0	0	0	0	0	0	0	0	0
Bus, Interurban	45	8	0	53	8	5	56	6	280,000	4	58
Bus, School Type	49	6	10	45	10	3	52	14	80,000	2	64
Special purpose:											
Carryall, 4x4	75	14	14	75	28	17	86	32	22,000	21	97
Other	5	0	2	3	3	2	4	6	20,000	5	5
Trucks:											
Pick-up 4x2	597	204	112	689	225	80	834	244	14,000	131	947
Pick-up 4x4	139	38	34	143	55	40	158	71	18,000	67	162
Subtotal, purchased	1,856	503	336	2,023	680	339	2,364	769	---	487	2,046
Leased:											
Large sedan	1	1	1	1	5	4	2	4	0	3	3
Other	25	10	19	16	7	6	17	6	0	5	18
Subtotal, leased	26	11	20	17	12	10	19	10	0	8	21
Seized or no cost excess:											
Large sedan	1	0	0	1	3	2	2	5	0	3	4
Midsize sedan	0	0	0	0	1	0	1	3	0	1	3
Other	43	77	12	108	40	32	118	66	0	60	122
Subtotal, seized	44	77	12	109	44	34	119	74	0	64	129
Total vehicles	1,926	591	368	2,149	736	383	2,502	853	0	559	2,786

Federal Prison System
Salaries and Expenses
Summary of Change (1996 Congressional)

	Pos.	FTE*	\$ (000)
FY 1995 as Enacted.....	28,950	26,322	\$2,358,404
Procurement Savings.....	0	0	(4,770)
Transfer of FTE to PHS.....	0	(280)	0
Absorption of unfunded 1995 Pay Raise.....	0	(381)	0
Transfer From NDIC.....	0	1	0
FY 1995 Availability.....	28,950	25,662	2,351,634
Administrative Streamlining Reductions.....	(23)	(23)	0
Transfers:			
Transfer to Violent Crime Reduction Trust Fund (VCRTF).....	(225)	(209)	(11,798)
Transfer From JMD Facilities Staff.....	8	8	0
1996 Adjustments to base:			
Mandatory Increases:			
One Additional Compensable Day.....	0	0	5,286
1996 Pay Raise (2.2%).....	0	0	22,624
Annualization of 1995 Pay Raise (3.3%).....	0	0	26,857
Health Benefits.....	0	0	3,407
Accident Compensation.....	0	0	2,209
Unemployment Compensation.....	0	0	165
Increase in Postal Rates.....	0	0	1,021
Medical.....	0	0	7,520
Total, Mandatory Increases.....	0	0	69,289
Decreases:			
FERS Savings.....	0	0	(17,033)
Savings from FTS 2000.....	0	0	(1,664)
Savings from Procurement Reform.....	0	0	(4,639)
Total, Decreases.....	0	0	(23,333)

Federal Prison System
Salaries and Expenses
Summary of Change (1996 Congressional)

	Pos.	FTE*	\$ (000)
Annualization of 1995 Program Increases:			
Beckley, WV FCI.....	0	364	12,387
Oklahoma City, OK FTC.....	0	180	10,763
Buñer, NC FCI.....	0	322	8,209
Wasaca, MN FCI.....	0	171	16,191
Carwell AFB, TX FMC.....	0	142	6,375
Coleman, FL (Minimum) FCC.....	0	125	9,300
Coleman, FL (Low) FCC.....	0	386	27,485
Coleman, FL (Medium) FCC.....	0	397	14,682
Fort Devers, MA FMC.....	0	225	16,976
Sheridan, OR Detention Unit.....	0	35	2,228
Seagoville, TX Detention Unit.....	0	49	4,219
Safford, AZ (Low) Expansion.....	0	36	1,509
Restoration of FY 1995 Reductions.....	0	381	0
Community Corrections Managers (Joint BOP/INS Project).....	0	1	70
FY 1995 Population Increase.....	0	0	10,000
Subtotal, Annualization of 1995 Program Increases.....	0	2,808	140,394
1996 Base.....	28,710	28,246	2,526,186
1996 Program Increases:			
Activations:			
Beaumont, TX Low (1,536 beds) 6/96.....	383	32	6,760
Beaumont, TX Minimum (512 beds) 9/96.....	126	10	1,550
Buñer, NC FMC 763 beds (453 medical 250 Low & 60 Female) Equipment Only.....	0	0	16,000
Activations (Expansions)			
Tallahassee, FL 150 Beds Minimum Camp(12/95).....	27	12	2,998
ICC Lompoc (200 beds)12/95.....	36	18	4,304
Ft. Worth 150 beds Minimum Camp(2/96).....	27	6	2,651
Lexington, KY 150 Beds Minimum Camp(2/96).....	27	6	2,835
Milan, MI 150 Beds Minimum Camp(5/96).....	27	12	3,993
Subtotal, Activations (2,848 beds).....	853	96	41,191

Federal Prison System
Salaries and Expenses
Summary of Change (1996 Congressional)

	Pos.	FTE*	\$ (000)
Population Increase:			
Institution 5,997 (88,694 to 94,691).....	0	0	15,484
Expand Contract Confinement:			
Community Correction Centers (5,800 to 7,000).....	0	0	22,416
State and Locals (4,742 to 5,050).....	0	0	4,945
Taft, CA FCI 2,048 beds (512 beds Minimum and 1,536 beds Low Security) 3/96.....	10	5	13,145
Brooklyn, NY MDC 1,229 beds Detention Facility (5/96).....	10	5	9,829
Forrest City, AR FCI (1,536 Beds Low Security) 7/96.....	10	3	6,306
Yazoo City, MS FCI (1,536 Beds Low Security) 9/96.....	10	2	2,152
Subtotal, Contract Confinement.....	40	15	58,793
Medical:			
Infectious Diseases.....	0	0	7,575
Kidney Dialysis Equipment and Operations (Springfield).....	9	9	3,190
Subtotal, Medical.....	9	9	10,765
Other Initiatives:			
Fleet Management.....	3	0	684
Absorption of 1996 Pay Increase.....	0	0	(22,824)
Subtotal, Other.....	0	0	(22,140)
Total, Program Increases.....	702	120	104,073
1996 Estimate.....	29,412	28,366	2,630,259

* Includes 127 Reimbursable work years.

**Federal Prison System
Salaries and Expenses
Justification of Appropriation to Base
(Dollars in thousands)**

1996 Adjustment to Base:

Pos.	VI	Amount
-23	-23	...

Stimulus/Inflation.....
Consistent with the President's mandate to reinvent government and the National Performance Review, BOP is streamlining personnel areas such as: accountants, auditors, budget, personnel, and acquisition specialists. In FY 1996, BOP will reduce 23 positions and 23 workyears in these areas.

Transfers:

-225	-209	-\$11,798
------	------	-----------

1. **Violent crime reduction trust fund**.....
As authorized by section 32001(b) of public law 103-322 for substance abuse treatment in Federal Prisons, the money will be derived from the Violent crime reduction trust fund. This transfers 225 positions, 209 workyears and \$11,798,000 from the salaries and expenses appropriation to the violent crime reduction trust fund.

8	8	...
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2. **JMO facilities staff**.....
BOP is taking over the maintenance function from Justice Management Division (JMD) facilities staff. This transfers includes 8 positions and 8 workyears from JMD.

-217	-201	-11,798
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Total, transfers.....

Mandatory Increases:

...	...	5,286
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1. **One additional compensable day**.....
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$3,859,000 for pay and \$1,427,000 for benefits).

...	...	22,824
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2. **1996 pay raise**.....
This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$22,824,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$10,707,000 pay and \$6,117,000 for benefits).

...	381	26,857
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3. **Annualization and increase of 1995 pay raise**.....
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1996 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$19,659,000 for pay and \$7,198,000 for benefits).

Mandatory Increases:

	1975 DECEMBER		Pos.	MT	Amount
	Approved	Annualization Required			
4. Annualization of 3,084 additional positions approved in 1975. This provides for the annualization of 3,084 additional positions requested in the 1975 budget for activations of new prisons.			...	2,427	\$140,394
Annual salary rate of 3,084 approved positions.....	\$106,403				
Less: Lease.....	75,611				
Health Compensation.....	30,792				
Associated employee benefits.....	13,439				
Travel and transportation of persons.....	6,021				
Transportation of things.....	4,363				
Communications, utilities and misc.....	2,167				
Other Services.....	11,579				
Supplies and materials.....	10,032				
Equipment.....	20,285				
Total, costs subject to annualization.....	107,858				140,394
5. Health benefits.....			...	...	3,407
The Federal Employees Health Benefits Act (P.L. 93-246) provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$3,407,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1976 projected for a full year.					
6. Accident compensation.....			...	...	2,209
This increase reflects the billing provided by the Department of Labor for the actual costs in 1974 of employees' accident compensation. The 1976 amount will be \$2,209,000.					
7. Unemployment compensation.....			...	...	165
This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$165,000 is required to meet our commitment to DOL.					
8. Postal rate increase.....			...	...	1,021
The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1975. The cost will rise from 29 to 32 cents per stamp. An increase of \$1,021,000 is requested in 1976 to cover this rate adjustment.					
9. Medical costs.....			...	...	7,520
The Department of Health and Human Services is projecting an increase in health care costs. The Department is applying a factor of 5.3 percent against medical services. An increase of \$7,520,000 will be required for 1976.					
Total, mandatory increases.....			...	2,808	209,283

Decreases:	Pos.	M	Amount
1. Federal Employees Retirement System (FERS)..... Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agency rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agency fell from 12.9 to 11.4. The estimated decrease is \$17,033,000.	-\$17,033
2. FIS 2000..... This decrease reflects FIS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$1,664,000.	-1,664
3. Procurement Savings..... This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$4,636,000.	-4,636
Total, decreases.....	-23,333
Total, adjustment to base.....	-240	2,564	174,552

Federal Prison System
Salaries and expenses
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actuals		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-6 \$118,245	1		1		1		0	0
ES-5 \$114,260	6		6		6		0	0
ES-4 \$109,661	5		5		5		0	0
ES-3 \$104,040	10		10		10		0	0
ES-2 \$99,543	9		9		9		0	0
ES-1 \$94,944	10		10		10		0	0
GS-15 \$87,942-88,321	340		376		362		6	6
GS-14 \$87,760-75,091	426		453		460		7	7
GS-13 \$84,878-63,638	936		1,009		989		(20)	(20)
GS-12 \$81,104-53,433	1,814		1,957		2,004		47	47
GS-11 \$74,295-44,566	4,116		4,790		4,843		53	53
GS-10 \$71,215-40,578	2,66		2,66		2,66		0	0
GS-09 \$78,345-36,845	2,941		3,170		3,212		42	42
GS-08 \$75,662-33,364	4,027		4,581		4,730		139	139
GS-07 \$73,171-30,121	6,916		7,675		7,722		47	47
GS-06 \$70,852-27,103	1,258		1,447		1,479		32	32
GS-05 \$68,707-24,316	130		166		180		24	24
GS-04 \$67,721-21,733	37		37		37		0	0
GS-03 \$64,895-19,366	0		0		0		0	0
Ungraded positions	2,609		2,970		3,056		86	86
Locally pay	...	\$26,942	...	\$13,471	...	...	...	...
1996 pay increase	...	...	...	...	...	...	...	...
Total appropriated positions	26,660	\$933,396	28,950	\$1,100,864	29,412	\$1,143,007	462	\$42,143
Pay above stated annual rates		3,503		...		3,859		3,859
Lapses	(3,046)	(94,610)	(3,469)	(107,676)	(1,227)	(38,058)	2,242	69,592
Savings due to lower pay scales part of year		(6,086)		(4,497)		(5,968)		(1,972)
Net full-time permanent	22,812	636,205	26,481	988,689	28,185	1,103,211	2,704	114,522
Other than permanent	181	4,936	181	5,115	181	5,880		685
Other personnel compensation	940	81,303	1,034	86,898	1,209	101,699	176	14,703
Special personnel services payments	...	17,137	...	19,558	...	22,867	...	3,309
Total, workyears and personnel compensation	23,933	936,561	26,698	1,100,256	26,576	1,233,657	2,876	133,399
Average ES Salary		(100,626)		(100,826)		(102,839)		
Average GS/GM Salary		(31,871)		(32,508)		(33,224)		
Average GS/GM Grade		(6.9)		(6.9)		(6.9)		
Average Ungraded Salary		(37,620)		(38,576)		(39,425)		

Summary of Requirements by Grade and Object Class (Cont'd)

Object Class	1994 Actuals		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation								
11.1 Full-time permanent	22,812	\$818,798	25,481	\$865,051	28,185	\$1,081,954	2,704	\$113,903
11.3 Other than full-time permanent								
Temporary Employment	109	2,861	109	3,081	109	3,602	0	521
Other part-time and intermittent employment	72	1,975	72	2,034	72	2,378	0	344
11.5 Other personnel compensation								
Overtime	697	60,245	765	64,304	894	75,163	129	10,879
Other compensation	243	21,058	269	22,592	315	26,416	46	3,824
11.8 Special personnel compensation	0	17,137	0	19,558	0	22,867	0	3,309
Total	23,933	922,174	26,696	1,079,620	29,575	1,212,400	2,879	132,780
12 Personnel benefits								
13 Benefits for former personnel								
21 Travel and transportation of persons		350,289		415,362		463,845		48,483
22 Transportation of things		1,192		694		715		21
23.1 GSA rent		25,685		33,740		35,894		2,154
23.2 Rental payments to others		8,151		13,780		13,780		0
23.3 Communications, utilities and misc. charges		10,668		23,539		23,539		0
24 Printing and reproduction		1,522		1,786		1,786		0
25.1 Consulting services		56,654		65,698		71,908		6,210
25.2 Other services		3,422		3,453		3,493		40
25.4 Operation of GOCO's		2,5		301		195		(106)
26 Supplies and materials		285,420		367,101		402,211		35,110
31 Equipment		207,295		288,037		31,432		31,432
32 Lands and structures		50,671		59,626		316,080		28,043
41 Grants, subsidies, and contributions		734		408		41,000		(18,628)
42 Insurance claims and indemnities		1,344		5,275		408		0
43 Interest and dividends		297		464		5,803		528
Total direct obligations		1,925,875		2,359,011		2,625,080		266,069

Summary of Requirements by Grade and Object Class (Cont'd)

Object Class	1994 Actuals		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ALLOCATION TO DEPARTMENT OF HEALTH AND HUMAN SERVICES								
11.1 Personnel compensation:								
Military	0	\$17,407	0	\$20,638	0	\$21,257	0	\$619
Total workyears and personnel compen.	0	17,407	0	20,638	0	21,257	0	619
Other Objects:								
12.1 Personnel benefits: Military								
13 Benefits for former personnel		6,568		7,783		8,016		233
21 Travel and transportation of persons		6		7		7		0
22 Transportation of things		109		129		133		4
24 Printing and reproduction		287		340		350		10
25 Other services		0		0		0		0
Total direct obligations, HHS Allocation	0	340	0	403	0	416	0	13
Total obligations Salaries and Expenses	23,933	24,717	26,696	29,300	29,576	30,178	0	879
Total obligations Salaries and Expenses		1,950,592		2,388,311		2,655,259		266,948
Unobligated balance, start-of-year		(59,875)		(61,677)		(25,000)		
Unobligated balance, end-of-year		61,677		25,000		0		
Total Requirements		1,952,394		2,351,634		2,630,259		
Relation of obligations to outlays:								
Total obligations		1,950,592		2,388,311		2,655,259		
Obligated balance, start-of-year		221,895		268,612		377,269		
Obligated balance, end-of-year		(268,612)		(377,269)		(542,732)		
Adjustments in expired accounts		(16,679)		0		0		
Outlays		1,887,196		2,279,634		2,489,816		

Department of Justice
Federal Prison System
Violent Crime Reduction Programs, FPS
Estimates for Fiscal Year 1996
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Justification of Program and Performance

Federal Prison System

Violent Crime Reduction Programs, FPS

Summary Statement

Fiscal Year 1996

The Crime Bill established the Violent Crime Reduction Trust Fund (VCRTF). It also requires the Bureau of Prisons (BOP) to treat 50 percent of all eligible inmates by the end of FY 1995, 75 percent by the end of FY 1996 and 100 percent by the end of FY 1997. For 1996, most of BOP's drug treatment resources were transferred (225 positions, 209 workyears and \$1,798,000) from the Salaries and Expenses appropriation. By 1997, all drug treatment resources for the BOP will be provided from the VCRTF.

In response to the rapid growth in the Federal inmate population having drug abuse histories, BOP has developed a comprehensive drug abuse treatment strategy consisting of four components: drug abuse education, non-residential drug abuse counseling services, residential drug abuse program, and community transition services program. Participation in BOP's drug abuse treatment programs is required for inmates who have a judicial commitment for treatment for drug abuse. The drug abuse education program provides inmates with specific information on the effects of drug use on their health, behavior, and social functioning. The drug abuse counseling services provide inmates with a drug-free lifestyle, while introducing the inmate to the concepts of drug treatment and motivating the inmate to volunteer for participation in BOP's residential drug abuse treatment program.

Non-residential Drug Abuse Counseling Services consist of both group and individual therapy delivered through the psychological services department in each institution. These services offer flexibility and service delivery to those who do not meet the eligibility requirements for BOP's residential drug abuse treatment program. Non-residential treatment services are also provided for those inmates who have completed the residential treatment phase who remain in the institution, and who require aftercare treatment while awaiting release to the community.

The residential drug abuse program is designed for inmates who volunteer for extended drug abuse treatment. Six-month residential programs are available in 29 institutions, and three institutions offer twelve-month programming exclusively. The residential programs provide unit-based living with extensive assessment, treatment planning, and individual and group counseling.

To increase inmate participation in the residential drug abuse program, BOP has instituted a number of incentives, such as extended Community Corrections Center periods. An evaluation plan has been implemented to determine if such incentives will increase the participation in the residential drug abuse program. This will provide important information on how to better recruit the drug-dependent inmate into treatment.

Community transition programs were originally developed for inmates who complete the residential drug abuse treatment program and are released to the community under BOP custody. This component of treatment is the most critical period for the inmate's adjustment back into society. In FY 1993 the community transition program was extended to accept inmates who have been identified as requiring community treatment, as part of their community program plan while still in BOP custody, (i.e., Intensive Confinement Center inmates, inmates participating in the Electronic Monitoring program).

For 1996, total program increases of 37 positions, 25 workyears and \$1,702,000 will include resources: 1) to provide a position to POC/USP Marion that did not previously, but now meets the criteria (500+ inmate population) for a drug education specialist; 2) to provide one additional field position (transitional services manager) to each region for contract and management oversight of the transitional services program; and, 3) to add five residential drug programs requiring 30 positions and yielding an additional 540-600 treatment beds.

Federal Prison System

Violent Crime Reduction Program, FPS

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Violent Crime Reduction Program, FPS

For substance abuse treatment in federal prisons as authorized by section 3201(b) of Public Law 103-322, \$13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

Explanation of Change

This language appropriates funds for federal prison drug programs from the Violent Crime Reduction Trust Fund.

Federal Prison System

Violent Crime Reduction Programs, FPG

Summary of Requirements
(Dollars in thousands)

<u>Adjustments to base:</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
Transfer from Salaries and Expenses.....	225	209	\$11,798
1996 base.....	225	209	11,798
Program Changes.....	37	25	1,702
1996 Estimate.....	262	234	13,500

1395

	<u>1995 Availability</u>			<u>1996 Base</u>			<u>1996 Estimate</u>			<u>Increase/Decrease</u>		
	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>	<u>Pos.</u>	<u>WY</u>	<u>Amount</u>
<u>Estimates by Budget Activity:</u>												
1. Inmate care and Programs.....	0	0	0	225	209	\$11,798	262	234	\$13,500	37	25	\$1,702
Total.....	0	0	0	225	209	11,798	262	234	13,500	37	25	1,702

Federal Prison System

Violent Crime Reduction Programs, FPS

Justification of Program and Performance

**Activity Resource Summary
(Dollars in thousands)**

Activity: Drug Abuse Treatment	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	NY	Amount
Drug Abuse Treatment.....	225	\$11,798	262	734	\$13,500	37 25 \$1,702

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments of the Inmate Care Program are presented in the following tables:

Drug Abuse Treatment:	1993		1994		Estimates	
	1993	1994	1993	1994	1995	1996
Drug Abuse/Education counseling hours.....	520,000	530,000	540,000	43,200	583,200	
Residential Drug Abuse Group counseling hours.....	1,371,050	1,932,000	1,932,000	154,560	2,086,560	
Non-Residential Drug Abuse Group counseling hours.....	8,445	8,622	8,907	713	9,620	
Inmates Needing Treatment.....	25,000	26,000	27,919	1,924	29,843	
Drug Abuse/Education participants.....	12,646	11,592	11,600	860	12,460	
Non-Residential participants.....	1,320	1,374	2,000	200	2,200	
Residential participants.....	3,650	3,752	4,800	1,000	5,800	
Community Transition participants.....	480	800	1,200	300	1,500	

¹The criteria for drug education programming changed in FY 1994. If an inmate immediately applies for and enters a residential treatment program, he or she is no longer required to take drug education.

²The numbers reported for the community transition program are the average daily population in community treatment programs.

Since the Crime Bill authorizes the Director of BOP to grant up to one year off an inmate's term of incarceration (if the inmate is convicted of a non-violent offense and successfully completes a residential drug abuse program), an increasing number of inmates began to seek admittance into BOP, residential drug abuse program. The increased demand has resulted in a waiting list for residential treatment that now exceeds 2,300 inmates.

By the end of FY 1994, BOP had drug abuse education and non-residential treatment available in all its institutions, and residential treatment available in 32 institutions. The residential programs maintained an average daily population exceeding 2,900 inmates. Community drug transition served an average daily population of nearly 800 by the close of FY 1994.

In FY 1993, BOP was able to increase the number of residential treatment participants by offering six-twelve months in treatment rather than nine-twelve months. Thus, BOP was able to meet an increasing treatment demand without an increase in cost.

Residential Treatment Programs

FCI Fairton, NJ
 USP Morgantown, WV
 FCI Oxford, VI
 USP Terre Haute, IN
 FCI Rochester, NH
 FCI Talladega, AL
 FCI Sheridan, WY
 FPC Yankton, SD
 FCI Seagoville, TX
 FCI Three Rivers, TX
 FCI Dublin, CA
 FCI Launa, TX
 FCI Marietta, FL
 FCI Danbury, CT
 FCI El Reno, OK
 FCI Phoenix, AR
 USP Leavenworth, KS
 FCI Englewood, CO
 FPC Alderson, WV
 USP Atlanta, GA
 FCI Tallahassee, FL
 FCI Butner, NC
 FMC Lexington, KY
 FCI Fort Worth, TX

*Englewood's Drug Treatment program is exclusively for Mariel Cubans with diagnosed drug problems.

In FY 1995, we plan to expand the residential drug treatment programs by two, establish a 16-bed dual disorder unit. For 1996, we plan to add three more Drug Abuse Program units, and expand the residential drug treatment programs by three institutions. We are currently assessing the need for the development of a program for inmates who are dually-diagnosed with drug and alcohol addictions.

PROGRAM CHANGES:

	1996 Base			1996 Request			Increase/Decrease		
	Perm. Pos.	WY Amount	Perm. Pos.	WY Amount	WY Amount	Perm. Pos.	WY Amount	WY Amount	
Drug Abuse Treatment.....	225	209	\$11,798	262	234	\$13,500	37	25	\$1,702

Drug Abuse Treatment. As the inmate population expands in BOP, drug program needs increase. Therefore, for FY 1996, BOP is requesting an increase of 37 positions, 25 WY and \$1,702,000. This increase includes resources: 1) to provide a position to FPC/USP Marion that did not previously but now meets the criteria (500+ inmate population) for a drug education specialist; 2) to provide one additional field position (transitional services manager) to each region for contract and treatment oversight of the transitional services program; and, 3) to add five residential drug programs requiring 30 positions and yielding an additional 540-600 treatment beds.

Federal Prison System
Violent Crime Reduction Programs, FPS
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	Inmate Care & Programs	
	Pos.	Amount
Grades:		
GS-13.....	11	618
GS-11.....	26	1,025
Total Positions and annual Rate.....	37	1,643
Lapse (-).....	(12)	(534)
11.1 Workyears and Compensation.....	25	1,109
12.0 Personnel benefits.....		499
26.0 Supplies and materials.....		94
Total Workyears and Oblig, 1996.....	25	1,702

Federal Prison System
Violent Crime Reduction Programs, FPS
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Enacted	1996	
			Changes	Request
Soc. Science, Econ. and Kindred (100-199).....	0	0	262	262
Total.....	0	0	262	262

Federal Prison System
Violent Crime Reduction Programs, FPS
Justification of Adjustments to Base
(Dollars in thousands)

1996 Adjustment to Base:

Transfers:

1. Violent crime reduction programs, FPS.....
As authorized by section 3201(b) of public law 103-322 for substance abuse treatment in Federal Prisons, the money will be derived from the Violent Crime Reduction Trust fund. This transfers 225 positions, 209 workyears and \$11,796,000 from the Salaries and Expenses appropriation to the Violent Crime Reduction Trust Fund.
Total, adjustment to base.....

Pos.	WY	Amount
225	209	\$11,796
225	209	\$11,796

Federal Prison System
Violent Crime Reduction Programs, FPS
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
GS-13 \$48,878 - 63,539		61		61	
GS-11 \$34,286 - 44,586		85		85	
GS-09 \$28,345 - 36,845		58		58	
GS-07 \$23,171 - 30,121		58		58	
1996 pay increase	\$140	..	\$140
Total appropriated positions	262	\$10,206	262	\$10,206
Pay above stated annual rates
Lapses
Savings due to lower pay scales part of year	(28)	(1,246)	(28)	(1,246)
Net full-time permanent
Total, workyears and personnel compensation	234	8,960	234	8,960
Average GS Grade	234	8,960	234	8,960
Average GS Salary	(10.1)	..	..
Object Class						(31,215)		
11.1 Full-time permanent	234	\$8,960	234	\$8,960
12 Personnel benefits	3,442	..	3,442
26 Supplies and materials	1,098	..	1,098
Total obligations	13,500	..	13,500
Relation of obligations to outlays:								
Total obligations	13,500	..	13,500
Obligated balance, start-of-year	0	..	0
Obligated balance, end-of-year	(2,026)	..	(2,026)
Outlays	11,475	..	11,475

Department of Justice
Federal Prison System
National Institute of Corrections
Estimates for 1996
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Federal Prison System
National Institute of Corrections

Summary Statement
Fiscal Year 1996

The National Institute of Corrections (NIC) is requesting, for 1996, a total of 51 positions, 51 workyears and \$10,158,000. This request represents a decrease of \$14,000 below the FY 1995 level. NIC is beginning to implement the recommendations of the National Performance Review to reduce by half, the percentage of employees that are supervisors or managers, by the year 1998.

The mission of the NIC is to work with Federal, State and local governments to assist them in developing and training corrections staff, to conduct and support research regarding ways to improve correctional programs and to serve as a clearinghouse for information on improvements in corrections.

Congress, in passing NIC's legislation in 1974 (P.L. 93-415), recognized a critical need to coordinate Federal efforts in assisting corrections at the state and local levels. In its report supporting this legislation, the Senate Judiciary Committee noted that the Institute would be:

"... a center in the nation to which the multitude of correctional agencies and programs of the states and localities can look for the many different kinds of assistance that they require. The Institute would serve as a center for correctional knowledge ..(and) develop national policies for the guidance and coordination of correctional agencies."

The legislative history of the Institute noted that the state of corrections was a national problem, and there was the need for an agency to provide coordination and leadership to deal with the crisis in corrections. Both the Institute's legislative history and legislation mandate that the Institute provide training, technical assistance, information and clearinghouse services, conduct research and evaluations and formulate policy and standards. The founding legislation sets forth major goals and objectives:

- to serve as a clearinghouse and information center for the collection, preparation and dissemination of information on programs for the prevention of crime and recidivism, training of correctional personnel, and rehabilitation and treatment of criminals and juvenile offenders
- to assist and serve in a consulting capacity to Federal, state, and local courts, departments and agencies in the development, maintenance and coordination of programs, facilities, and services, training, treatment and rehabilitation with respect to criminal and juvenile offenders
- to encourage and assist Federal, state, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved correctional programs
- to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons connected with the treatment and rehabilitation of criminal and juvenile offenders
- to develop technical training teams to aid in the development of seminars, workshops and training programs within several states and with state and local agencies which work with prisoners, parolees, probationers and other offenders
- to conduct, encourage and coordinate research relating to corrections including causes, prevention, diagnosis, and treatment of criminal offenders
- to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, state, and local correctional agencies, institutions, and personnel
- to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the correctional system

In sum, the legislation created NIC to strengthen and improve Federal, state and local correctional agencies and programs through the provision of practical services and programs. The legislative history and legislation called upon the Institute to collaborate with and seek the advice of the corrections community in assessing the needs and problems of the field. This collaboration was envisioned as a way of reducing fragmentation and encouraging greater coordination and cooperation between the components of the criminal justice system and corrections agencies at all levels of government.

Federal Prison System
National Institute of Corrections
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language (listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

National Institute of Corrections

For carrying out the provisions of sections 4351-4353 of title 18, United States Code, which established a National Institute of Corrections, and for the provision of technical assistance and advice on corrections related issues to foreign governments, (\$10,344,000)*.

\$10,158,000

18 U.S.C. 4351-4353; Department of Justice and Related Agencies Appropriations Act, 1992

Explanation of Changes

No substantive changes proposed.

**Federal Prison System
National Institute of Corrections
FISCAL YEAR 1995 REQUEST
(Dollars in thousands)**

Activity/Program	1995 President's ¹ Budget Request			Congressional Action ²			Reprogramming			1995 As Enacted		
	Pos	VF	Amount	Pos	VF	Amount	Pos	VF	Amount	Pos	VF	Amount
National Institute of Corrections	51	51	\$10,102	...	...	\$200	...	...	...	51	51	\$10,302

¹The Congress has provided \$200,000 to conduct a comprehensive study of the D.C. Department of Corrections operations.

²Includes a reduction of \$42,000 for procurement savings.

**Federal Prison System
National Institute of Corrections
Summary of Requirements
(Dollars in thousands)**

Adjustments to base:

	Perm. Pos.	Work- Years	Amount
1995 as Executed.....	51	51	10,344
Procurement Savings.....	...	...	-42
1995 Availability.....	51	51	10,302
Mandatory Increases.....	...	...	204
Decreases.....	...	...	-273
1996 Base.....	51	51	10,231
Program Changes.....	...	...	-73
1996 Estimate.....	51	51	10,158

1996 Appropriation

Enacted	Perm. Pos.	MT	Amount
52	55	55	\$10,211

1995 Actual	Perm. Pos.	MT	Amount
52	55	55	\$ 8,784

1995 Availability	Perm. Pos.	MT	Amount
51	51	51	\$10,302

1996 Base	Perm. Pos.	MT	Amount
51	51	51	\$10,231

1996 Estimate	Perm. Pos.	MT	Amount
51	51	51	\$10,158

1996 Estimate/Dec 97/98	Perm. Pos.	MT	Amount
0	0	0	- 73

**Estimates by Budget
Activity**

National Institute of Corrections.....	52	55	\$10,211
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Federal Prison System
National Institute of Corrections
Reimbursable Resources
Summary of Reimbursements
(Dollars in thousands)

	1994 Actual For FY	1994 Actual Amount	1995 Estimate For FY	1995 Estimate Amount	1996 Request For FY	1996 Request Amount	Increase/Decrease For FY	Increase/Decrease Amount
National Institute of Corrections.....	...	\$849	...	\$500	...	\$500	...	\$ 0

Justification of Increase/Decrease:

The reimbursements to the National Institute of Corrections (NIC) are related to providing training and technical assistance to juvenile justice administrators and practitioners; and planning, developing and delivering training programs for the Bureau of Prisons staff.

Federal Prison System
National Institute of Corrections
Justification of Program and Performance

ACTIVITY: NIC

1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
Perm.	Pos.	MT Amount	Perm.	Pos.	MT Amount	Perm.	Pos.	MT Amount	Perm.	Pos.	MT Amount
51	51	\$10,302	51	51	\$10,231	51	51	\$10,158	0	0	-73

LONG RANGE GOAL: Provide leadership in moving corrections toward greater professionalism; develop national policies from the guidance and coordination of Federal agencies and initiatives affecting corrections; serve as a national center to which State and local correctional agencies can turn to receive many different types of assistance; and serve as a source of correctional information and knowledge about correctional programs, policies, planning standards, and practices.

MAJOR OBJECTIVES:

To assist in the improvement of State and local jail operations nationwide so they may become more humane, fair, efficient, effective, and comply with legal requirements.

To strengthen correctional programs by effective and efficient utilization of staff and organizational resources.

To increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration and promoting a safe, humane, and constitutional environment for those offenders who must be incarcerated.

To develop the capacity to respond quickly, accurately, and informatively to a wide variety of inquiries on correctional programs, policies, standards, and practices.

To provide training to the correctional community to upgrade skills of personnel.

BASE PROGRAM DESCRIPTION: In an effort to increase coordination, reduce duplication, and upgrade State and local corrections, the National Institute of Corrections has initiated several activities, including developing memoranda of understanding between Federal agencies, placing representatives of several Federal agencies on the NIC Advisory Board, and conducting frequent meetings with representatives from the entire spectrum of correctional practices. An annual plan is approved by the Advisory Board, after which the NIC staff develops a program strategy utilizing training, technical assistance and clearinghouse, policy/program development and evaluation to accomplish the objectives in the plan.

PROGRAM CHANGE:

1996 Base			1996 Estimate			Increase/Decrease		
Perm.	Pos.	MT Amount	Perm.	Pos.	MT Amount	Perm.	Pos.	MT Amount
51	51	\$10,231	51	51	\$10,158	0	0	-73

This reduction of \$ 73,000 is required to fund the 1996 pay raise. The change will result in the Institute reducing its mandated functions in the areas of program development, training and technical assistance activities. The NIC will continue its efforts to improve and strengthen jail, prison and community corrections operations; increase the effectiveness of correctional programs by expanding the use of alternatives to incarceration; respond to information requests; and upgrade the skills of corrections personnel.

ACCOMPLISHMENTS AND WORKLOAD:TRAINING:

MIC's budget has declined at a time when the rate of state level adult system personnel has increased by 33% and jail personnel by 35%. These circumstances have created a critical lack of training opportunities for correctional personnel.

MIC-Sponsored Training 1984 Through 1996		
Year	Number of Seminars	Number Trained
1984	132	2,063
1985	165	2,770
1986	168	3,191
1987	125	2,699
1988	96	2,014
1989	71	1,527
1990	51	1,490
1991	45	1,315
1992	44	1,030
1993	55	1,333
1994	49	1,096
1995	52	1,175
1996	50	1,120

ACCOMPLISHMENTS AND WORKLOAD:

Although, NIC's funding for training has declined by 40 percent (1991-1994), the Academy through collaboration with other Federal agencies, and through the use of other delivery strategies (usually of a shorter duration than the one to two week traditional training programs) has been able to reach a broader audience. The table below displays all the training activities conducted by the NIC Academy in FY 1994 and projected for FY 1995 through 1996.

Numbers of Participants in All NIC Academy Training

Training Activity	Participants in FY 1993	Participants in FY 1994	Participants in FY 1995	Participants in FY 1996
Seminars (1 to 2 week long) held in Longmont	1,208	1,096	902	1,115
National Forum for correctional leaders	cancelled in 1994	0	0	0
Workshops prior to national conferences (4 to 16 hours long)	168	388	150	173
Regionalization planning meeting and regional workshops	608	390	236	300
Training through technical assistance	1,090	1,372	1,482	1,050
Audioconferences and videoconferences	1,100	*9,210	*9,210	*10,000
DAOJ workshops to develop job profiles	16	0	0	0
Federal Bureau of Prisons, Interagency agreement seminars	63	50	77	75
Office of Juvenile Justice and Delinquency Prevention Interagency agreement seminars	431	536	287	350
Bureau of Justice Assistance Interagency agreement seminars	24	0	0	0
Military	24	0	236	120
Regional seminars	0	0	120	250
TOTAL	4,820	12,042	12,700	13,433

* It is anticipated that as dollars shrink for training through week-long seminars and other on-site training, more 2 and 3-hour long teleconferences will be offered. Teleconferences cannot offer the same level (eg., synthesis) or intensity of training, but can provide up-to-date information (eg., knowledge level) to the field.

Of the various types of training, the seminars held in Longmont tend to be the most complex and lengthy. All seminars held in Longmont require extensive planning with consultants and staff, fully developed lesson plans, participant materials, training aids such as audiotaped computer-driven overheads, and close out reports. The close out reports include end-of-seminar evaluations from each participant on a scale of 1 to 5, with 5 being the best, the approximate average across all seminars for the question, "the training was relevant to my needs" has been 4.7 points.

Unmet Need for Training in Selected Seminars
Fiscal Years 1991-1994

* APPS= Applicants
** PARTS= Participants

SEMINAR TITLE	FY 1991			FY 1992			FY 1993			FY 1994		
	APPS*	PARTS**	UNMET	APPS*	PARTS**	UNMET	APPS*	PARTS**	UNMET	APPS*	PARTS**	UNMET
Cognitive Approaches to Changing Offender Behavior	136	12	91%	196	17	91%	162	41	75%	186	54	71%
Sex Offender Treatment Skills for Professionals	179	52	71%	79	28	65%	168	50	70%	0	0	0%
Management/Career Strategies for Mid-Level Managers	223	47	79%	229	49	79%	194	50	74%	104	70	33%
A Systems Approach to Managing Substance-Abusing Offenders	111	22	80%	193	21	89%	110	47	57%	79	46	42%
Working with Women Offenders	142	49	65%	146	25	83%	112	24	79%	60	25	58%
Prison Security	173	50	71%	146	23	84%	86	49	44%	78	24	69%
Developing and Administering Sex Offenders Treatment Program	0	0	0%	0	0	0%	0	0	0%	83	24	71%
Jail Security	75	25	67%	134	25	81%	82	47	43%	0	0	0%

Following is a sampling of comments on the systemic impact of MIC-sponsored training on systems:

- "I would like to express my gratitude for allowing me to attend the MIC Academy course, Enhancing Human Resource Systems which was completely germane to my organization. As a result, my agency has already changed its selection process, incorporating the dimensions of work in to more job-related interview questions. I hope that any future course I might attend will have the same impact on my department as this one. (Human Resource Director, Jefferson County Corrections Department, Kentucky)."
- "I am writing this letter to inform you of all the positive changes that have occurred here at the Licking County Justice Center as a result of my attending the Systems Approach to Managing Substance-Abusing Offenders seminar. I attribute a great deal of our success to that class. The changes include doubling our program, making it co-educational, and increasing the treatment options. (Director, Inmate Programming, Newark, Ohio)."
- Corrections in Nebraska has now embarked on a five-year plan based on our team's attending the Continuing Quality Improvement seminar. Nebraska Corrections have conducted two introductory CQI courses that have reached over 30% of all Departmental employees. Nebraska Corrections have held several executive sessions and two retreats specifically designed to begin the CQI process. Nebraska Corrections have already sought and received assistance from other states who had started the process earlier. The Nebraska Department of Correctional Services is dedicated to excellence, and the MIC Academy efforts are deeply appreciated.

As a result of participating in the Quality Assurance in Health Care Systems seminar, the three-person team from the Pennsylvania Department of Corrections developed a comprehensive action plan for changing their health care delivery system. The plan started with an analysis of the current system, finding that health care services were not delivered in a systematic and coordinated manner. The plan included a force field analysis of the driving and resisting forces for improving health care service delivery; a stakeholder analysis; a vision statement; and goals along with an implementation timeline. The team stated that they would never had met to develop this plan had it not been for this NIC Academy seminar.

Future needs related to this area are: continued information on ADA and OSHA guidelines, legal issues related to both of these in relation to chronically ill inmates.

Additional comments from the participants were: both the seminar and the audioconference follow-up were much appreciated because they were organized well, gave them a plan to implement, and provided them with new ways of thinking.

ACCOMPLISHMENTS AND WORKLOAD:

Short-term Technical Assistance

	FT 1993	FT 1994	FT 1995	FT 1996
Assistance Requested	700	700	700	815
Assistance Provided	644	500	600	650

The National Institute of Corrections has completed the delivery of 500 technical assistance events involving all 50 states, U.S. territories, and 519 jurisdictions. Also resulting from these technical assistance deliveries is the training of over 8,500 individuals for this same period. In fiscal year 1994 the average cost per technical assistance was \$2,950.

Following are some examples of impact the provision of short-term assistance has had on systems:

- Health care requests are the number 1 area of requests for assistance from NIC's Prisons Division. Assistance was delivered to: Arkansas in the management and care of tuberculosis; New Mexico in the review and evaluation of their mental health programs; Massachusetts and Georgia in managing their substance abuse treatment programs; North Carolina received a 2 day workshop for corrections social work and case management staff on techniques of facilitating group therapy sessions for offenders; and Pennsylvania corrections health care staff received training on the transference of standards into practice for continuous quality improvement.
- Assistance for treatment of sex offenders including the assessment and evaluation of existing programs were delivered to Illinois, Kansas, New Jersey, Indiana, and Utah.
- Security- The Institute is often asked to respond to requests for assistance in the area of security, including potentially explosive situations or crises. Assistance was delivered to other systems with heightened concerns due to the experiences of others. Missouri Department of Corrections requested training for their senior level staff on the management of riots and disturbances, specifically centering on the Southern Ohio Correctional Facility riot. Assistance was provided to New Jersey on the management of Security Threat Groups and to Minnesota on the management of gangs. Assistance was provided to Missouri and Kentucky on training of hostage negotiators. Wisconsin, Minnesota and Hawaii not only participated in a week long NIC sponsored Security Audit Training Program but also received follow-up assistance as they developed their own audit instruments, guidelines, policies and procedures. Arkansas, Tennessee, North Dakota, Minnesota and Connecticut all received assistance in unit management.
- Prisons industries programs that provided jobs for incarcerated offenders is a high request and extremely varied area. NIC delivered assistance to: Oregon in assessing and making recommendations for improvements and expansions in their farming program; Minnesota in developing a garment industry program; Hawaii in developing a modular panel and workstation business; Alabama in developing a printing plant; Connecticut a photo imaging business; Nevada a review of their industry's marketing and sales; North Dakota reorganizations plans; and Vermont a strategic plan for expanding their businesses.

For FY-93 and FY-94, the results of the evaluations were as follows:

Evaluation of Services
(Short-Term Technical Assistance)

Rating	FY 1993	FY 1994
Very Good	98%	95%
Good	1%	4%
Fair	0	1%
Poor	1%	0%

ACCOMPLISHMENTS AND WORKLOAD:**Long-term Technical Assistance (TA)**

The Institute provides monetary assistance to the requesting state or local agency to allow the agency to develop or improve systems and operations using experienced consultants and or internal staff. Some topics for which grants have been awarded are: Offender Classification, Female Programs, organizational development, emergency preparedness, MIS development, etc. The tasks to be undertaken are more complex and require more effort than can be provided through short-term technical assistance. This form of technical assistance involves providing funding to an agency, upon approval of a formal grant application. Most of these projects are conducted over a period of 3 to 12 months.

	1993	1994	1995	1996
Applications	100	100	100	100
Grant Awards	35	40	40	40

The long term TA grants for 1996 were awarded to a total of 10 states and 3 jurisdictions (local governmental units).

Clearinghouse and Information Services

The Institute's legislation mandates that it disseminate information to state and local correctional agencies and at the same time be responsive to the needs of these organizations for information on specific issues and topics that will assist agencies in solving operational problems, learn about advanced policies, programs and practices, and have available the latest findings of research and evaluation studies.

The NIC Information Center provides a concentration of practitioner-based corrections resources, supports Institute initiatives while increasing field access to current, practical information. Its clientele includes corrections practitioners at all levels - local, state, federal policy makers, management, and staff - in all fifty states, the District of Columbia, and U.S. territories.

The Information Center offers a multitude of services to the field. Beyond typical clearinghouse services, the Center uses resources as the basis for needs analysis, research, publishing, and networking activity. Services, as well as collection development, are designed to provide information that can be applied to the immediate needs to the field. Staff with field experience talk personally with requestors to determine their resource needs. At no charge, requestors receive prompt attention and thorough, individually tailored responses. NIC uses the Information Center to conduct trend analysis and original research when nationwide information is needed quickly. Through constant contact with practitioners across the country, the staff maintains a fifty-state network that can be immediately activated by NIC. Through NIC, the network is also tapped by DOJ, BOP, and committees of the U.S. Congress. Participants in NIC training programs have on-site access to the full collection as well as personalized research assistance.

Materials developed within the field of corrections, including those published or funded by NIC, are supplemented by materials selected for their practical value to form the resource base from which the information needs of corrections practitioners and policymakers are met.

Resource services users include practitioners, researchers, policymakers from all fifty states, the District of Columbia and U.S. territories, while the majority of requests come from corrections agencies and officials at all levels of government. The Information Center also serves foundations and "think tanks," professional associations, libraries, academic and industry groups, the public, law enforcement, as well as U.S. corrections systems also attracted requestors for information from twenty countries. Institutionally, resource services support major NIC initiatives, including Academy award development and division program planning. Academy training participants also receive targeted research assistance, and each year more than 4,000 copies of NIC publications are disseminated to the field.

Following is a chart which reflects the clients evaluation of services provided by the Information Center

Client Evaluation of Assistance, FY 1994

Total client responses received	425
Percent rating staff as responsive	99.6%
Percent rating speed of delivery as adequate	100%
Percent ratings, usefulness of materials received "information very useful" "information adequate" "information not useful"	84.2% 15.3% 0.5%
Percent ratings, overall services "Overall excellent" "Overall satisfactory" "Overall unsatisfactory"	87.2% 10.5% 0.3%

ACCOMPLISHMENTS AND MOBILIZATION

Agency Affiliation of Information Center Requestors

	FY 1993	FY 1994	FY 1995	FY 1996
State prison/DOC requestors	2,200	2,400	2,480	2,510
County Sheriff/jail requestor	1,739	1,785	1,840	1,885
State and local probation/community corrections requestor	913	890	925	935
Federal agency administrators and staff	259	560	575	590
Other policy makers (governors, legislators, commissions and staff)	508	485	500	510
All other requestors*	3,148	3,180	3,280	3,350
Total requestors assisted	8,767	9,300	9,400	9,780

* Includes academics, students, foreign, private vendors and individuals.

Materials are shipped to requestors in an average of 1-8 days, and always within five days. Twenty-four hour service is available when by eligible practitioners and policymakers.

Program Description

The Institute's authorizing legislation mandates that it undertake policy formulation, and research and evaluation, activities. NIC has combined these functions under an area called program development where the emphasis is on using these functions, existing bodies of knowledge and emerging trends that are of concern and interest to practitioners to resolve issues and needs planning corrections for which policy and/or program directions do not exist. Included in this functional area are two other strategies used by the Institute:

- **Special Emphasis Services** -- This form of technical assistance or service is available in specific areas in which the Institute has completed developmental work and has established a coordinated, multifaceted approach to assisting agencies in successful program implementation. This assistance is designed to guide implementation of progressive change before the issue becomes a problem.
- **Corrections Networks** -- The Institute has created several major networks of correctional practitioners. The concept of networking creates a chain of communication between individuals of organizations with similar needs and interests, and is an efficient way to exchange information, training, and increase professionalism. The criminal justice system and corrections are traditionally isolated and fragmented even among individuals and organizations with similar needs and interests. Several years ago the Institute experimented with such networks and found them to be an efficient and effective means of accomplishing several objectives, including: training, exchanging information among administrators/agencies on common issues and needs, orienting new members to their new job (e.g., new directors of state correctional systems), technology transfer, and increasing professionalism and breaking down the isolation and fragmentation.

Special Emphasis Initiative - Accomplishments and Workload:

	1993	1994	1995	1996
Jails (Jurisdiction Assisted)	235	140	140	145
Prison (Short- and Long-Term TA provided)	10	54	61	59

Corrections Initiatives - Workload/Accomplishments

- Jail Division received a request from the Nebraska commission on Law Enforcement and Criminal Justice concerning Indian religious practices in the correctional setting. This request was prompted by Nebraska's tobacco-free jail's experiences with requests from Indian inmates to use tobacco for religious purposes. Jail Division met with correctional officials and representatives from the Nebraska State Indian Commission on this issue. Jail Division will provide information on religious practices of various tribes and facilitate the development of an action plan to address the issue of Indian religious practices and correctional policy in Nebraska's jails.
- Rhode Island Department of Corrections is experiencing crowding in their pre-trial facility. Jail Division reviewed their operation and suggested ways of expanding their pre-trial release program and to develop other intermediate sanctions. Objective classification criteria was identified as a primary tool to assist officials in determining who best qualified for various programs through a valid risk assessment process.
- NIC assisted Polk County to help them evaluate inmate profile data which had been collected and reported in a format which made analysis difficult. Additionally NIC was asked to assess the management of the criminal justice system itself. As a result of the assistance, Polk County intends to pursue all of the recommendations. Critical elements include improved information system and coordination of justice system management efforts.
- Thurston County Sheriff's developed an objective jail classification system and have had it in operation for over nine months. This will enable the jail officials to demonstrate that the system is functioning consistently with stated program goals, that the system is valid, and to help measure the impact what the system has had upon the jail operations.

Program Changes: A program decrease of -975,000 is absorbed. This change will result in the Institute reducing its mandated functions in the areas of program development, training and technical assistance activities.

Federal Prison System
National Institute of Corrections
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Pos.	Amount
Grants	...	0
Total workyears and personnel compensation...	...	0
Personnel benefits.....	...	0
Travel and transportation of persons.....	...	0
Rent.....	...	0
Com., utilities, and misc. charges.....	...	0
Other services.....	...	- 50
Supplies and materials.....	...	0
Equipment.....	...	0
Grants.....	...	-23
Total program workyears and obligations changes requested, 1996.....	...	-73

**Federal Prison System
National Institute of Corrections
Status of Congressionally Requested
Studies, Reports, and Evaluations**

The Conference Report for the Department of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill, Fiscal Year 1995, (House Report 103-307) appropriated \$200,000 for NIC to perform an in-depth study of the District of Columbia Department of Corrections. The study will examine Physical Layout, Security and Environmental Issues, Policies and Procedures, Health Care, Inmate Capacity, Staffing, and Inmate activities opportunities of all D.C. Corrections facilities. NIC plans to have this study completed by September 1995.

Federal Prison System
National Institute of Corrections
Detail of Parament Positions by Category
fiscal Years 1994 - 1996

Category	1994	1995	1996
	Authorized	Appropriation Anticipated	Request
Correctional Institution Adm. (006).....	25	25	25
Personnel (200-299).....	2	2	2
General Administration, Clerical, and			
Office Services (300-399).....	18	17	17
Accounting and Budget (500-599).....	4	4	4
Information and Arts Group (1000-1099).....	1	1	1
Attorneys (905).....	1	1	1
Business and Industry (1102).....	1	1	1
Total	52	51	51
Washington.....	28	27	27
U.S. Field.....	24	24	24
Total	52	51	51

Federal Prison System
National Institute of Corrections
Summary of Change (1995 - 1996)

Item	Pos.	WY	\$ (000)
FY 1995 as Enacted.....	51	51	\$10,344
Procurement Savings.....	0	0	(42)
FY 1995 Availability.....	51	51	\$10,302
1996 Adjustments to base:			
Mandatory Increases:			
One Additional Compensable Day.....	0	0	13
1996 Pay Raise.....	0	0	73
Annualization of 1995 Pay Raise.....	0	0	116
Health Benefits.....	0	0	2
Total, Mandatory Increases.....	0	0	204
Decrease:			
FERS Savings.....	0	0	(34)
Savings From Procurement Reform.....	0	0	(41)
1996 Non-recurring decreases.....	0	0	(200)
Total, Decreases.....	0	0	(275)
1996 Base.....	51	51	10,231
1996 Program Changes:			
Absorption of 1996 Pay Raise.....	0	0	(73)
Total, Other Initiatives.....	0	0	(73)
Total, Program Changes.....	0	0	(73)
1996 Estimate.....	51	51	10,158

Federal Prison System
National Institute of Corrections
Justification of Adjustments to Base
(Dollars in thousands)

	Amount
Mandatory Increases:	
1. One additional compensable day. The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$2,000 for pay and \$5,000 for benefits).	\$13
2. 1996 pay raise This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with Administration policy. The amount requested, \$73,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$53,000 pay and \$20,000 benefits).	73
3. Annualization and increases of 1995 pay raises This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1996 plus appropriate personnel benefits and the additional amount required above the 1.0 percent originally requested for the three-quarters of the year (\$51,600 for pay and \$5,800 for benefits).	116
4. Health Benefits The Federal Employees Health Benefits Act (5 U.S.C. 83-245) provides that the percentage share of health insurance would be 40 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$2,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	2
Total, mandatory increases	204
Decreases:	
1. Federal Employees Retirement System (FERS) Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease is \$35,000.	-34
2. Procurement Savings This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$41,000.	-41
3. Non-insuring decreases Due to the one-time 1995 Congressional add-on to conduct an in-depth study of the District of Columbia Department of Corrections operations. The estimated decrease is \$200,000.	-200
Total Decreases	-275
Total, Adjustments to Base	-71

Federal Prison System
National Institute Of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Grades and salary ranges								
ES-4 \$109,661.....	1		1		1		...	
GS-15 \$67,942-88,321.....	6		6		6		...	
GS-14 \$57,760-75,091.....	5		5		5		...	
GS-13 \$48,878-63,539.....	18		17		17		...	
GS-11 \$34,295-44,586.....	3		3		3		...	
GS-09 \$28,345-36,845.....	3		3		3		...	
GS-08 \$25,662-33,364.....	1		1		1		...	
GS-07 \$23,171-30,121.....	6		6		6		...	
GS-06 \$20,852-27,103.....	3		3		3		...	
GS-05 \$18,707-24,316.....	6		6		6		...	
1996 pay increase.....	...		...		...		...
Locality Pay.....	...	\$160	...	\$40	...	\$71	...	\$71
Total appropriated positions.....	52	\$2,678	51	\$2,918	51	\$0	0	(\$40)
Pay above stated annual rates.....	...		...		...	2,913	...	(\$5)
Lapses.....	...	9	...	...	...	9	...	9
Savings due to lower pay scales part of year.....	...	...	...	...	...	...	...	0
Net full-time permanent.....	...	(70)	...	(14)	...	(18)	...	(4)
Other than permanent.....	52	2,617	51	2,904	51	2,904	0	0
Other personnel compensation.....	3	85	...	...	...	...	0	0
Overtime & Other personnel Compensation.....	10	617	7	458	7	458	...	0
Total, workyears and personnel compensation.....	65	3,319	58	3,362	58	3,362	...	0
Average ES Salary.....		(107,300)		(107,300)		(109,661)		
Average GS Salary.....		(49,216)		(55,880)		(55,880)		
Average GS Grade.....		(12.5)		(12.9)		(12.9)		

Federal Prison System
National Institute Of Corrections
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation:								
11.1 Full-time permanent	52	\$2,617	51	\$2,904	51	\$2,904	0	\$0
11.3 Other than full-time permanent	3	85	0	0	0	0	0	0
11.5 Other personnel compensation	10	617	7	458	7	458	0	0
Total	65	3,319	58	3,362	58	3,362	0	0
12 Personnel benefits								
21 Travel and transportation of persons		642		631		631		0
22 Transportation of things		270		289		289		0
23.1 GSA rent		3		50		50		0
23.2 Rental payments to others		0		61		61		0
23.3 Communications, utilities and misc. charges		162		338		338		0
24 Printing and reproduction		115		92		92		0
25.1 Consulting services		95		138		138		0
25.2 Other services		0		0		0		0
26 Supplies and materials		2,980		5,320		3,457		(1,863)
31 Equipment		91		130		130		0
41 Grants, subsidies, and contributions		183		66		66		0
43 Interest and dividends		922		1,544		1,544		0
Total direct obligations		2		0		0		0
		8,784		12,021		10,158		(1,863)
Unobligated balance, start-of-year		(292)		(1,719)		0		
Unobligated balance, end-of-year		1,719		0		0		
Total Requirements		10,211		10,302		10,158		
Relation of obligations to outlays:								
Total obligations		8,784		12,021		10,158		
Obligated balance, start-of-year		4,824		1,719		8,243		
Obligated balance, end-of-year		(1,719)		(8,243)		(10,010)		
Outlays		11,689		5,497		8,391		

Department of Justice
Federal Prison System
Buildings and Facilities
Estimates for Fiscal Year 1996
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Federal Prison System

Buildings and Facilities

Summary Statement

Fiscal Year 1996

The Federal Bureau of Prisons (BOP) is requesting a total of 302 positions, 299 workyears, and \$323,728,000 in 1996 for Buildings and Facilities. This request represents a decrease of 3 positions and increase of 3 workyears and \$17,427,000 from the FY 1995 level.

The mission of the BOP is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, and cost-efficient. The BOP also provides work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens. The BOP is responsible for approximately 9,500 Federal inmates in community correctional centers, contract detention centers and other contract facilities. By end of year 2002, we project an increase of 42 percent in the inmate population to 122,407.

There are three major appropriations for BOP: Buildings and Facilities; Salaries and Expenses; and National Institute of Corrections. The purpose of the Buildings and Facilities appropriation is to enable construction of a safe and secure environment which provides an acceptable level of privacy and a complete range of programs and activities for improving offenders' capabilities to achieve crime-free lives, and to maintain existing facilities thereby protecting capital investment. Hence, the Buildings and Facilities appropriation has two decision units, (1) New Construction and (2) Modernization and Repair. The request for funding to accomplish major initiatives are summarized under each decision unit.

The BOP has fully reviewed the status of construction on previously-funded projects. In addition, BOP personnel reevaluated those projects for which site and planning funding has already been provided to determine if construction monies could be obligated in 1996 or whether the construction funding request should be deferred. The BOP has limited its request to only the very highest priority projects. The projects for which funding is requested in 1996 will allow BOP to maintain the necessary capacity expansion to keep pace with inmate population growth.

NEW CONSTRUCTION

BOP is requesting an increase of 18 positions, 15 workyears, and \$207,704,000 for new construction. This level of funding will permit additional construction for sentenced inmates and provide adequate housing for detainees.

For sentenced federal offenders, the BOP is requesting an increase of \$173,400,000 for the construction of two projects in California and Beaumont, Texas. We are requesting \$108,900,000 for the construction of a 1,152 bed medium security facility with a 512 bed minimum security camp in the Western Region. There is an increased need for additional medium and high security facilities, as greater numbers of violent offenders are expected to enter the prison system. This is largely due to a general shift in prosecution strategies related to violence in the communities. Further, BOP is experiencing a significant increase in the number of street gang members and armed felons who require higher security levels. The BOP has also experienced increased levels of acting out by inmates which cause conflicts between inmates and occasionally staff and inmates. Between 1991 and 1994, there was a 15 percent increase in assaults, which included attacks on staff. It is the BOP's policy to house inmates as close to their state of residence as practicable and our population projections indicate great need in the Western Region.

BOP is requesting \$64,500,000 for construction of a medium security facility in Beaumont, Texas. Site and planning resources were appropriated for this facility in FY 1995. Thus, we are requesting the remaining funds to construct a 1,152 bed medium security facility. BOP has already received funding to construct a minimum, low, and high security facility at this complex in Texas. Building a medium security facility at Beaumont takes advantage of shared costs associated with the complex and supports overall population projections.

The U.S. Marshals Service (USMS) has requested that BOP provide detention facilities through the construction of new detention centers and the expansion or establishment of detention units at existing Federal prisons, where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For 1996, \$20,051,000 is requested for holding cells, to be used by USMS to reimburse the General Services Administration for

above standard build-out costs related to the construction of prisoner detention and movement areas. In addition, this request includes \$14,253,000 to complete the site acquisition process in Hawaii, with the intent to privatize operations at this facility. BOP already has site and planning funds which were re-programmed because the USMS requested a detention facility in Hawaii.

Sentenced New Construction

	Pos.	Work- Year	Amount \$(000's)
Western Complex, Medium and Minimum Security Camp.....	6	3	\$108,900
FCI Beaumont, Medium.....	6	6	64,500
Subtotal, Sentenced.....	12	9	173,400

Detention New Construction

FDC Hawaii Contract.....	6	6	14,253
Units Holding Cells.....	0	0	20,021
Subtotal, Detention.....	6	6	34,304
Total, New Construction.....	18	15	207,704

Modernization and Repair of Existing Facilities

The BOP has an ongoing program for the replacement and/or rehabilitation of obsolete structures and plant facilities. One-third of BOP facilities are over 30 years old. Modern prison facilities are subjected to heavier than normal use. Each year several high priority projects are identified by field facilities. Their project requests are then analyzed and ranked, and only the most critical have been included in the 1996 request. For 1996, the Bureau of Prisons is requesting an increase of \$4,526,000 for modernization and repair of existing facilities. This includes the following:

	Pos.	Work- Year	Amount \$(000's)
Life Safety.....	4	4	\$3,370
Hazardous Waste.....	1	1	1,156
Total, Modernization and Repair.....	5	5	4,526

Federal Prison System
Buildings and Facilities
Justification of Proposed Changes in Appropriation Language

The 1966 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Buildings and Facilities

for planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing Federal correctional institutions, including all necessary expenses incident thereto, by contract or force account. (\$22,351,000) to remain available until expended, of which not to exceed \$1,074,000 shall be available to construct or lease for inmate work programs. Provided, That labor of United States prisoners shall not be performed under this appropriation. Provided further, That not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That unless a notification as required under section 605 of this Act is submitted to the Committee on Appropriations of the House and Senate, none of the funds in this Act for the Cooperative Agreement Program shall be available for a cooperative agreement with a State or local government for the housing of Federal prisoners and detainees when the cost per bed space for such cooperative agreement exceeds \$50,000. Provided, That any cooperative agreement with a State or local government for the housing of Federal prisoners and detainees shall not exceed the amount appropriated, not to exceed (\$9,903,000) shall be available for the construction and renovation of United States Marshals Service prisoner holding facilities. \$22,351,000

18 U.S.C. 4003, 4009, 4010, 4013(a)(5), 4042, 4123; Department of Justice and Related Agencies Appropriation Act, 1966.

Explanation of Changes:

1. The \$22,351,000 available for the United States Marshals Service (USMS) for renovation of prisoner holding cells includes a transfer of \$2,300,000 from the USMS base to the B&F base and a program increase of \$20,051,000 in Fiscal Year 1966 for USMS holding cells.

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Activity / Program	1995 President's Budget Request ¹		1995 Congressional Actions ²		Reprogrammings		1995 Availability				
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount			
1. New Construction.....	190	184	\$96,082	0	0	\$89,473	0	0	190	184	185,555
2. Modernization and Repair of Existing Facilities.....	115	112	90,748	0	0	0	0	0	115	112	90,748
Total.....	305	296	106,828	0	0	89,473	0	0	305	296	276,301

¹ Includes a reduction of \$4,193,000 for procurement savings.

² Congress increased BOP New Construction by \$59,570,000 and added funds for the USMS CAP program (\$20,000,000) and USMS Holding Facilities (\$9,903,000).

**Federal Prison System
Buildings and Facilities
Justification of Program and Performance
Activity Resource Summary**

Activity: Buildings and Facilities	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount
New Construction.....	190	104	\$185,555	164	164	\$26,578	182	179	\$24,282	18	15	\$207,704
Modernization and Repair.....	115	112	90,746	115	115	86,520	120	120	89,456	5	5	4,526
Total.....	305	296	276,301	279	279	111,698	302	299	313,728	23	20	212,230

This budget activity includes resources for the primary mission of the Federal Prison System (FPS). Funds requested for this activity are used to construct and maintain the Federal Prison System's correctional facilities in accordance with State, local and Federal codes, rules and regulations, in order for the Prison System to meet its primary mission.

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount	Pos.	VT	Amount
New Construction.....	190	104	\$185,555	164	164	\$26,578	182	179	\$24,282	18	15	\$207,704

LONG RANGE GOAL:

Provide safe, humane environments for both inmates and staff, which meet the basic human needs for privacy and dignity, support voluntary programs of self-improvement that prepare inmates for their eventual release into the community, and minimize the often corrosive effects of institutional confinement. Expand the capacity of the Bureau of Prisons to keep pace with projected increases in the federal inmate population and simultaneously reduce prison overcrowding.

To provide jail space for federal prisoners by funding selected State and local governments for renovation and construction of detention facilities.

MAJOR OBJECTIVES:

Review BOP capacity requirements and proceed accordingly.

Locate and acquire suitable sites for new construction, including surplus facilities as an alternative to new prison construction.

Prepare designs for new facilities, including new housing units.

Construct new Federal prisons and detention centers and expand existing Federal prisons as required.

Continue leasing program for the Oklahoma City detention facility.

Encourage State and local governments to house U.S. Marshal detainees and to ensure that conditions of confinement are in compliance with acceptable detention standards.

Provide Cooperative Agreement Program (CAP) funding to selected State and local governments for renovation and construction of detention facilities in return for long-term, guaranteed jail space for Federal prisoners.

BASE PROGRAM DESCRIPTION: The Bureau of Prisons continuously reviews capacity requirements, considering the projected inmate population level, current inmate population, and the geographic origin of the confined population, and the use and condition of present facilities. As Federal inmate population levels are projected to exceed the capacity of the Bureau of Prisons, every possible action is taken to keep institutional overcrowding at manageable proportions to ensure that Federal inmates continue to serve their sentences in a safe and humane environment.

The Federal Prison System is at the end of the administration of justice pipeline. Most other criminal justice agencies have at least some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the important cases are handled. Prison systems, however, have virtually no discretion and must accept all inmates sentenced to confinement by the courts. While it is impossible to predict future population levels with 100 percent precision, all concerned agree that the number of Federal inmates will continue to increase. With a growing body of Federal offenses and the continuing wave of violent crime, it is difficult to see an end to the growing population in Federal prisons.

The Bureau of Prisons follows a policy of increasing system capacity through:

- the increased utilization of contract facilities including private sector prisons (see the decision unit "Contract Confinement" in the Salaries and Expenses appropriation);
- the expansion of existing facilities;
- the acquisition and conversion of military and other properties to prison use; and
- the construction of new prisons.

From a cost perspective, the expansion of existing institutions is the least expensive technique for increasing FPS capacity. The BOP is currently building additional housing units at facilities where program space can absorb further population increases. However, where major program areas such as food service and utilities are already saturated, expansion may approach the cost of newly constructed facilities.

The BOP continually reviews Federal surplus and other property for possible acquisition and conversion to correctional use. The acquisition and conversion of existing property and structures is much less expensive than new construction and such facilities can be brought on-line in a much shorter period of time. While conversion of facilities to minimum and low security institutions is usually feasible, it generally is not cost-effective to convert most surplus properties to higher security level institutions because appropriate physical security measures must be designed into the facility. Converting existing non-correctional properties to medium and maximum security facilities is frequently more expensive than the design and construction of new institutions.

Despite BOP's success in increasing its capacity through contract confinement, the expansion of existing facilities, and the acquisition and conversion of military and other surplus properties, it is sometimes still necessary to construct new prisons, (especially at higher security levels) and for pre-trial detention. Construction of a new prison requires that a suitable site be located and acquired. The site acquisition process includes notification of the public and preparation of an Environmental Impact Statement. The new facility is then designed by contract architects and the project is bid for construction. Essentially, the BOP oversees construction projects that have been contracted out to private construction firms.

The long range goal established for the Federal Bureau of Prisons, as noted on the previous page, is to continue to expand the capacity of the Bureau of Prisons to keep pace with projected increases in the inmate population and to simultaneously reduce and eventually eliminate prison overcrowding.

ACCOMPLISHMENTS AND WORKLOAD: As illustrated in the following table the Federal inmate population has exploded. In 1981, the Federal inmate population was 26,195. By January 26, 1995, the Federal inmate population had more than tripled to over 86,000.

End of Year (EOY) Population, Capacity, and Overcrowding Rates
FY 1981 to Current

	1981	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1/26/95
EOY Population.....	26,195	36,001	41,506	44,194	44,142	51,153	58,021	64,131	70,670	79,799	85,850	86,378
EOY Rated Capacity..	23,648	25,532	27,785	27,854	28,143	31,727	34,239	42,531	48,527	57,610	64,751	68,477
Percent Overcrowded..	11%	41%	49%	59%	57%	61%	69%	51%	46%	39%	33%	26%

The dramatic growth in the federal inmate population over the last decade is attributed to increases in both the number of new admissions and the average time served per inmate. In general, earlier in the decade the driving force was the increased rate of admissions. More recently, while the admissions continue to grow, the average time served has increased. However, because of sentencing legislation, the increase in average time served has become a much greater factor in causing BOP population growth.

In addition to housing sentenced federal inmates, over the past several years the Bureau of Prisons has steadily increased its assistance to the U.S. Marshals Service in housing unsentenced federal pretrial detainees. The Bureau of Prisons houses one-third of the current detainee population.

As of January 26, 1995, the federal inmate population was 86,378. They were housed in 79 facilities, with a rated or design capacity of 68,477. This represents a system-wide average crowding rate of 26 percent over capacity (January 1995). Most facilities are overcrowded, and some are operating at over twice their capacity.

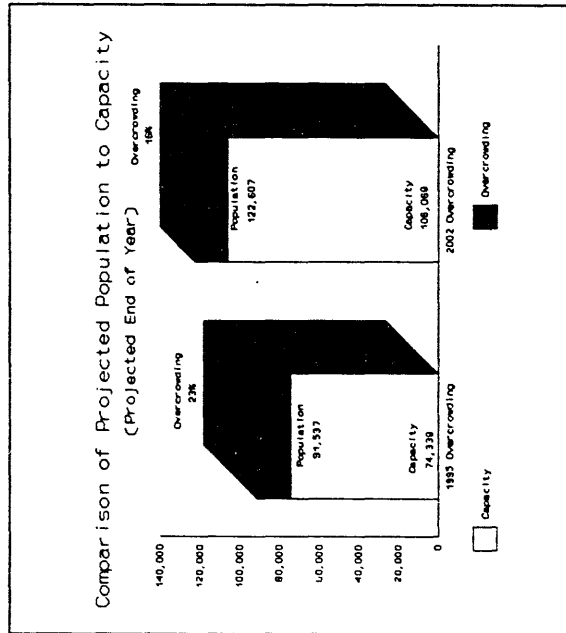
The Bureau of Prisons revised overcrowding goal is to reach and maintain an operating level at 115 percent of rated capacity. The management concept of "rated capacity" is important because it is an essential element of the basis upon which BOP's overcrowding goal and capacity expansion plan are developed. The 1996 request incorporates both classification/designation and rated capacity changes. The Bureau's policy on rated capacity has been revised to provide for 100% double-bunking in minimum and low security institutions, 50% double-bunking in medium security institutions and 25% double-bunking in high security institutions and detention facilities.

The changes in computing rated capacity significantly increased double-bunking and in effect have been incorporated into the base statistic used to compute the crowding rate. For example, 100 percent of capacity in a low security institution is now computed as 150 percent of capacity. The result of this change is that the rated capacity of the system is significantly larger to allow double-bunking in low facilities with no more than 100 percent of capacity, almost all of the inmates in medium security will have to be doubled, and a substantial percentage of the inmates in low and minimum security facilities will have to be triple-bunked.

From an operational perspective, a more important factor is the average crowding rates by security level. The Bureau's strategy for reducing crowding involves several initiatives: expanding capacity through new construction and renovation; upscaling the size of new institutions to gain efficiencies in construction and staffing costs; and, regularly evaluating the population projections to ensure the most efficient mix of institutions within the Bureau, for both current and new facilities.

Under construction are two Federal Correctional Complexes (Butner, North Carolina and Coleman, Florida), one medium security Federal Correctional Institution with a camp (Rockley, West Virginia), a low security Federal Correctional Institution with a camp (Taft, California), two Federal Correctional Institutions without a camp (Fazoo City, Mississippi and Forrest City, Arkansas), two Federal Detention Centers (Seattle, Washington and Brooklyn, New York), a Federal Correctional Institution in Fort Dix, New Jersey and a Federal Transfer Center (FTC) in Oklahoma City, Oklahoma which will be leased.

Further, the Bureau of Prisons either has in design or is considering sites for a medium security Federal Correctional Institution located at Beaumont, Texas; medical/low and minimum security facilities at Fort Devens, Massachusetts; medical/low and minimal security facilities at Gravel AFB, Texas; two Federal Correctional Institutions with camps (Elton, Ohio and Eggenfield, South Carolina); a Federal Correctional Institution (Maseo, Minnesota); and two Federal Detention Centers (Rockton, Illinois and Springfield, Pennsylvania); a U.S. Penitentiary with a camp in Pollock, Louisiana; a contract Federal Detention Center (Camp 10) at the Alameda Naval Air Station, Alameda, California; a U.S. Penitentiary with a camp in Pollock, Louisiana; a contract Federal Detention Center in Hawaii; and two medium security Federal Correctional Institutions (George AFB, California and one in the Mid-Atlantic Region).



The Bureau of Prisons is constantly seeking cost-saving methods of constructing and operating new facilities. One method we have adopted is building larger institutions. We have increased the rated capacity of existing facilities from 100 to 135 beds, and we are building new facilities from 700 to 132 beds. We are also building new facilities from 500 to 900. This will enable us to take advantage of increasing economies of scale.

Further, architectural design programs were developed in draft form for Federal Correctional Institutions, U.S. Penitentiaries, Federal Prison Camps, Federal Detention Centers and Administrative facilities. These programs are being used to design new facilities, and to renovate existing facilities, but also in the renovation of existing institutions. In addition, several new construction techniques were initiated which are expected to shorten the construction time for new institutions. These techniques include the use of pre-cast concrete modular cells, the use of Computer-Assisted Drafting for the design of new facilities and the design and construction of Federal Correctional Complexes.

These changes, coupled with the policy changes regarding rated capacity, have substantially reduced resource requirements for the Bureau of Prisons, while simultaneously bringing us closer to our revised goal of operating at 115 percent of rated capacity.

Funding approved through 1995 for the construction of new prisons, the acquisition of surplus facilities for construction, the renovation of existing facilities, and the construction of new facilities, will add nearly 35,000 beds when completed. As demonstrated by the bar graph on the right, by 2002 the capacity will be 106,069.

It must be emphasized that while all funds previously provided can not be formally obligated until contracts are awarded, commitments to construction at specific locations will require 100 percent of the necessary resources. The chart on the following page details construction projects approved/requested through 1996.

APPROVED/FUNDED RATED CAPACITY REQUIREMENTS

	1995	1996	1997	1998	1999	2000	TOTAL
NEW FACILITIES	----	----	----	----	----	----	-----
Cumberland, MO.....	768						
Allenwood, PA Miteac.....	67						
Greenville, IL.....	375						
OKlahoma City, OK (Lease).....	1,043						
Buiter, MO (Low).....	992						
Rocky, MO (Low).....	1,536						
Camel, AR TX (Min. & Medical).....	425						
Sheriden, OK Detention Unit.....	188						
Seapoville, TX Detention Unit.....	188						
El Reno, OK Units.....	240						
Safford, AZ.....	120						
Loretto, PA Camp.....	100						
ADDITIONAL CAPACITY							
Fort Dix, NJ (Acquire).....	952						
Miami, FL FDC.....	1,233						
* Brooklyn, NY Detention Center.....		1,229					
* Teft, CA FCI.....		2,048					
Coleman, FL.....		3,200					
Beaumont, TX (Min. & Low).....		2,048					
* Forrest City, AR (Low).....		1,536					
* Yazoo City, MS.....		1,536					
Ft. Devens, MA (Min. & Medical).....		794					
Waseca, MN.....		1,150					
Milan, MI Camp.....		150					
Tallahassee, FL Camp.....		150					
Ft. Worth, TX Camp.....		150					
Lexington, KY Camp.....		150					
Lompoc, CA ICC.....		200					

	1995	1996	1997	1998	1999	2000	TOTAL
Beaumont, TX (High).....			960				
Butner, NC Medical.....			513				
Edgfield, SC (Med. & Camp).....			1,664				
• Seattle, WA Detention Center.....			677				
George AFB CA, (Female).....			512				
Carswell AFB, TX (Low).....			512				
Ft. Devens, MA (Low).....			512				
Ft. Devens, MA (Med.).....			192				
Loretto, PA Expansion.....			200				
Morgantown, WV Expansion.....			320				
• Elkton, OH.....			2,048				
• Philadelphia, PA.....			835				
• Houston, TX.....			677				
• Pollock, LA (High & Camp).....			1,472				
• Scranton, PA (Min., Female).....			512				
Beaumont, TX (Med.).....			1,152				
• FDC Hawaii Contract.....					677		
Western Facility, CA (Med. & Camp).....					1,664		
TOTAL APPROVED/FUNDED CAPACITY	8,430	14,341	6,062	6,696	2,341		37,870
• Projected for private contracts.							

The year-end capacity, illustrated in the table above is consistent with the lead time necessary for activations, although the majority of beds may not be available until three to six months later.

BOP regularly updates its population projections and includes an increased level of support in the area of pre-trial detention. As a result, the Bureau now projects a federal inmate population of 91,537 by end of fiscal year 1995. Additionally, our long-range forecast projects the federal inmate population will continue to grow by 42 percent from the current level, and reach 122,607 by 2002. The population projections do not include possible increases which could result from the Crime Bill of 1994 or additional Crime Bill legislation now under consideration in the 104th Congress. Year-end population projections are as follows:

	1994	1995	1996	1997	1998	1999	2000	2001	2002
85,850	91,537	97,845	104,605	109,389	113,854	117,278	120,169	122,607	

The BOP is redeveloping its population projection model. The past model produced projections which relied heavily on Sentencing Commission data from the late 1980s. The refined model will add more recent statistics and incorporate long term trends.

As illustrated in the following table, resources approved/requested through 1996 will have a tremendous impact on the overcrowding rate in Federal prisons. In the year 2002, the population is expected to reach 122,607. With the activation of nearly 36,000 beds and current policy changes, the capacity of the Federal Prison System will increase to 108,069 by 2002 with an overcrowding rate of 16 percent. The following data compares projected fiscal year-end capacity and population. The year-end capacity in this table ties to the date by which the majority of beds are available to inmates.

	1994 (Actual)	1995	1996	1997	1998	1999	2000	2001	2002
POP facilities:									
Starting Capacity.....	57,610	64,751	74,339	86,299	98,544	102,576	106,069	106,069	106,069
Approved/Funded Capacity.....	7,141	9,588	11,940	12,245	4,032	3,493	0	0	0
Subtotal Capacity.....	64,751	74,339	86,299	98,544	102,576	106,069	106,069	106,069	106,069
Population Projection.....	85,850	91,537	97,845	104,605	109,589	113,854	117,278	120,169	122,407
Percent Overloaded.....	33%	23%	13%	6%	7%	7%	11%	13%	16%

PROGRAM CHANGES:

The Bureau of Prisons new construction program for 1996 includes an increase of 18 positions, 15 workyears, and \$207,704,000. The new construction base program meets basic costs and provides funding for work programs through the construction of new facilities. The table below breaks out the new facilities program increase by institution.

Facilities	Pos.	Work Year	Amount \$ (000's)
Sentenced			
Western Facility, Medium and Minimum Security Camp (1,666 beds).....	6	3	\$108,000
FCI Beaumont, Medium (1,152).....	6	6	64,000
Total Sentenced (2,816 beds).....	12	9	172,000

Conclusion

PDC Newell Contract.....	6	14,253
USPS Holding Cells.....	9	8,051
Total Detention.....	15	22,304
Total, FY 1990 New Construction (2,816 beds).....	18	207,704

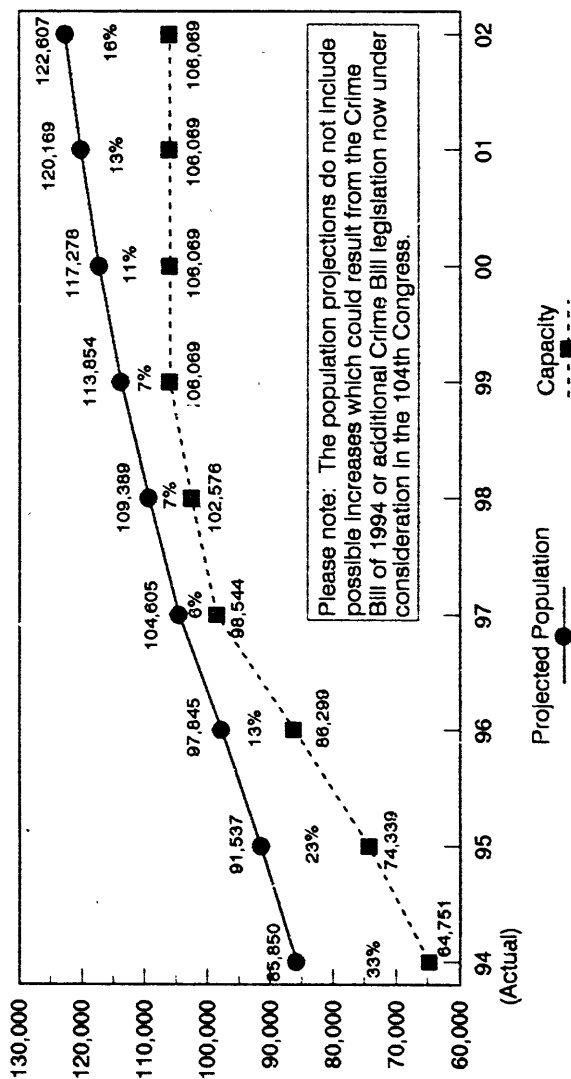
The primary mission of BOP is to carry out the judgments of the Federal Courts for sentenced Federal offenders. To keep pace with the projected growth in the inmate population, the Department of Corrections is requesting \$108,900,000 for additional medium and high security facilities. The projected increase in the inmate population and the need for additional medium and high security facilities, as greater numbers of violent offenders are expected to be sentenced to the Department of Corrections, is largely due to a general shift in prosecution strategies related to violence in the communities. Further, BOP is experiencing a significant increase in the number of street gang members and inmates who require higher security levels. The BOP has also experienced an increased level of acting out by inmates which causes conflicts between inmates and occasionally staff and inmates. Between 1991 and 1994, there was a 25 to 35 percent increase in assaults, which included attacks on staff. It is the BOP's policy to house inmates as close to their state of residence as possible and our population projections indicate great need in the western region.

For the purpose of this study, the Department of Corrections is requesting \$64,500,000 for a medium security facility in Beaumont, Texas. Site and planning resources were appropriated for this facility in FY 1995. This year we are requesting the remaining funds to construct a 1,152 bed medium security facility. BOP has already received funding for a low and high security facility at this complex in Texas. Building a medium security facility at Beaumont takes advantage of the shared costs associated with the complex and supports overall population projections.

[illegible]

During the past decade, the Federal detention population has increased nearly 100 percent, from 4,500 in 1981 to 19,500 by the end of 1991. However, due to the continued loss of detention beds, the average daily detention population in the Bureau of Prisons' facilities will increase by nearly 500 percent, from 1,178 in 1981 to a projection of 8,900 by the end of 1995.

CAPACITY PLAN FEDERAL PRISON SYSTEM (Projected End of Year)



	1995 Availability		1996 Base		1996 Estimate		Increase/Decrease					
	Pos.	WT	Pos.	WT	Pos.	WT	Pos.	WT				
Modernization and Repair.....	115	112	\$90,746	115	115	\$89,420	120	120	\$89,446	5	5	\$4,526

LONG RANGE GOAL: The long range goal of the Modernization and Repair Program (MDR) is to provide safe, efficient, and adequately sized and equipped facilities for the operation of correctional programs within the Institutions, and to protect the Bureau of Prisons' (BOP) capital investment in facilities.

MAJOR OBJECTIVES:

Repair and renovate facilities as required.

Identify and remove any hazardous waste that may exist on Federal Prison System property.

Comply with all requirements of the Joint Commission on Accreditation of Hospitals.

Comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities.

Comply with all Federal and State Environmental Regulations

Bring applicable utilities into compliance with National Electrical Code and American Waterworks Standards and ensure safety and security of facilities.

Modernize antiquated federal prisons.

Make all facilities energy efficient in accordance with the Department of Energy Life Cycle Costing method.

BASE PROGRAM DESCRIPTION: This program provides the resources to undertake essential rehabilitation and renovation or replacement projects at existing facilities to ensure that the facilities are safe, efficient, and adequately sized and equipped. The program includes the following: (1) Rehabilitation and renovation of existing facilities; (2) Replacement of existing facilities; (3) Construction of new facilities; (4) Modernization and repair of our existing facilities; (5) Acquisition of new facilities; (6) Relocation of existing facilities; (7) Demolition of existing facilities; (8) Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. In addition, failure to maintain structures can cause direct and/or indirect security problems.

Work is identified by two specific categories of projects: major line item requirements (projects valued \$200,000 or more) for which funds are specifically requested by project; and repair and improvement (RII) requirements (projects valued at \$4,000 to under \$200,000). RII projects address immediate needs resulting from routine repairs, emergencies, correctional program changes, etc., and are considered the base requirements for this program.

Most maintenance and repair projects are performed using inmate crews to provide work for inmates and labor for the work performed. These inmate work crews require staff supervision to direct the work being performed and for security reasons. For this reason, nearly every project large enough to be listed as a line item, regardless of the number of projects per location, will require staff positions and workyears.

ACCOMPLISHMENTS AND SPENDING: Accomplishments of the program Modernization and Repair (MDR) of Existing Facilities are presented in the following tables:

1. General. Nearly a third of FPs facilities are over 30 years old and require continual maintenance to keep them within BOP and ACA standards. Moreover, prison facilities are subjected to heavier than normal use, especially during periods of high overcrowding. The following table shows the number of MDR projects which are in process each year to maintain BOP facilities.

PROGRAM CHANGES:

1. Life Safety: This request includes 4 positions, 4 workyears and \$3,370,000 for Life Safety projects at 4 institutions.
 - Talladega, FCI-Install Fire Protection System. This request is for 1 position, 1 workyear and \$949,000 to install automatic fire protection sprinkler systems (smoke detection, heat detection, automatic sprinklers) connected to a centrally monitored fire alarm system. The sprinkler system will also include a standpipe, fire pump, valves and sprinkler heads. There are no fire protection sprinkler systems in the inmate housing units or any of the original buildings which exposes inmates and staff to risk of injury in case of fire. All work will be performed by a contractor with staff supervision for security reasons, and to ensure that all work is performed to BOP standards.
 - Allenwood, FPC-Install Fire Protection System. This request is for 1 position, 1 workyear and \$677,000 to install automatic fire protection sprinkler systems (smoke detection, heat detection, automatic sprinklers) in all three inmate living units. They will be connected to a centrally monitored fire alarm system and the fire department. The sprinkler system will also include a standpipe, fire pump, valves and sprinkler heads. There are no fire protection sprinkler systems in the inmate housing units, which exposes inmates to risk of injury in case of fire. Work will be completed with contract and in-house labor.
 - Big Spring, FCI-Life Safety Requirements. This request is for 1 position, 1 workyear and \$823,000 to correct numerous life safety deficiencies which were listed in a Life Safety Survey conducted by a private contractor. The project will include Architectural/Engineering Services to design sprinkler system, exit stairways, fire alarm system, and other such items for contract installation. Exit signs, standpipes and fire alarm pull station system will be installed using in-house labor.
 - Hellis, FPC-Life Safety Requirements. This request is for 1 position, 1 workyear and \$921,000 to correct numerous life safety deficiencies which were listed in a Life Safety Survey conducted by a private contractor. The corrections include installation of a new fire alarm system throughout the institution which is connected to the control room, installation of emergency lights, clear exit paths, and repair fire barriers, the sprinkler system and fire doors. Deficiencies will be corrected using contract services and in-house labor.
2. Hazardous Waste: This request is for 1 position, 1 workyear and \$1,156,000 for asbestos abatement.
 - Texasiana, FCI-Asbestos Abatement - Institution Wide. This request is for 1 position, 1 workyear and \$1,156,000 to remove and dispose of asbestos throughout the institution. A survey completed in September 1993 by Howard McDonald confirmed that the institution is heavily laden with asbestos contamination. Asbestos containing materials were used extensively for construction purposes throughout the institution. The work will be performed by a contractor who will remove ceilings, walls, paint, flooring, masonry walls, building and pipe insulation, and items which are contaminated with asbestos. Once removed, in-house construction will be used to replace and repair surfaces and areas altered by the contractor.

Federal Prison System
Buildings and facilities
Financial Analysis -- Program Changes
(Dollars in thousands)

Item	New Construction			Modernization and Repair of Existing Facilities			Total		
	Pos.	Oblig.	Budget Auth.	Pos.	Oblig.	Budget Auth.	Pos.	Oblig.	Budget Auth.
GS-12	9	387	..	..	..	..	..	..	..
GS-11	9	324	..	2	86	..	11	473	0
Total positions and annual rate	18	711	..	3	108	..	12	432	0
Lapse	(3)	(125)	..	5	194	..	23	905	0
							(3)	(125)	
Total workyears and personnel compensation	15	586	2,457	5	194	429	20	780	2,886
Personnel benefits .....	..	346	819	..	155	143	..	501	962
Travel and Transportation of persons .....	..	50	190	..	0	0	..	50	190
Transportation of things .....	..	60	145	..	0	0	..	60	145
Rental payment to others .....	..	10	40	..	0	0	..	10	40
Comm, utilities and miscellaneous .....	..	30	100	..	0	0	..	30	100
Printing and reproduction .....	..	10	40	..	0	0	..	10	40
Other services .....	..	100,465	203,773	..	2,470	3,358	..	102,935	207,131
Supplies and materials .....	..	20	70	..	468	596	..	488	666
Equipment .....	..	20	70	..	0	0	..	20	70
Total workyears and obligations, and budget authority	15	101,597	207,704	5	3,285	4,528	20	104,882	212,230

**Federal Prison System
Buildings and Facilities**

**Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)**

Funds Status						Total		Status - January 1995 - Congressional Submission (FY 96)	Estimated Activation Date
New Construction		Total		Current					
Fiscal Year	Amount	Total Funding	Estimate or Actual	Cost					
Total Capacity									
New facilities:									
Florence, CO FCC (2,376).....	1989 86,500	8213,345	8213,345	8213,345	2212,121	Minimum Security (512) - Complete Medium Security (744) - Complete High Security (640) - Complete Admin. Max Security (450) - Complete	8/94		
	1991 132,421								
	93-94 66,079								
	8,345								
Cumberland, MD FCI (1,024).....	1989 3,100	71,000	71,000	71,000	69,356	Minimum (256) - Complete Medium (768) - Complete	9/94 10/94		
	1990 58,100								
	93-94 3,800								
	6,000								
* Brooklyn, NY MDC (1,807).....	1989 52,000	162,511	162,511	162,511	157,069	Interim Facility (576) - Complete Permanent MDC (1,225) - 25% Complete	5/96		
	1990 61,000								
	1991 37,500								
	93-94 12,011								
Miami, FL FCC (1,233).....	1989 3,320	82,316	82,316	82,316	77,559	Complete	11/94		
	1990 74,640								
	93-94 4,315								
Greenville, IL FCI (1,012).....	1990 65,500	68,000	68,000	68,000	67,720	Minimum (256) - Complete Medium (756) - Complete	9/94 9/94		
	1994 2,500								
Pekin, IL FCI (1,024).....	1990 65,500	65,500	65,500	65,500	64,184	Minimum (256) - Complete Medium (768) - Complete	8/94 8/94		
Beckley, WV FCI (1,536).....	1990 85,000	78,958	78,958	78,958	77,449	Minimum (384) - 87% Complete Medium (1,152) - 72% Complete	4/95 7/95		
	1993 (6,042)								
* Taft, CA FCI (2,048).....	1990 91,500	92,800	92,800	92,800	68,341	Minimum (512) - Construction Underway Low (1,536) - 35% Complete	5/96 3/96		
	1994 1,300								
Butner, NC (1,755).....	1990 160,000	161,233	161,233	161,233	137,906	Low (992) - 60% Complete Other (230) - 8% Complete; Construction Underway Medical (513) - 8% Complete; Construction Underway	6/95 1997 1997		
	1991 8,700								
	93-94 (6,467)								
* Elkhart, OH (2,048).....	1990 56,600	87,100	87,100	87,100	10,951	Minimum (512) - Site Work Proceeding Low (1,536) - Site Work Proceeding	1998 1998		
	1991 30,500								

Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

Total Capacity	Funds Status		Status - January 1995 - Congressional Submission (FY 96)	Estimated Activation Date
	New Construction	Total Construction		
	Fiscal Year	Amount	Estimate or Actual	
New Facilities: (Cont)				
Beaumont, TX Complex (4,160).....	1990	\$167,000	\$179,173	Minimum (512) - In Design
	1994	4,173		Low (1,536) - 22% Complete
	1995	8,000		Medium (1,152) - In Design
				High (960) - 4% Complete
Seattle, WA FDC (677).....	1990	63,800	68,600	Construction In Progress
	1994	4,800		
Columbus, FL FCC (3,200).....	1990	134,000	137,622	Minimum (512) - In Design
	1994	2,291		Low (1,536) - 64% Complete
	1995	1,331		Medium (1,152) - 62% Complete
Oklahoma City, OK FCC (1,043).....	1990	10,500	19,655	Lease Program
	1991	500		99% Complete
	1995	8,655		
Hawaii MDC (677).....	1991	10,300	103,300	EIS Underway
Houston, TX MDC (677).....	1992	54,900	54,900	EIS Underway/AE Procurement Underway
Philadelphia, PA MDC (835).....	1992	81,950	81,950	Awaiting Site Acquisition
Edgefield, SC FCI (1,664).....	1992	63,600	78,600	Medium (1,152) - Out for Bids
	1995	15,000		Minimum (512) - Out for Bids
Scranton, PA, Minimum Female (512)...	1992	40,800	40,800	Site Investigations; EIS Underway
Pollock, LA USP (1,472).....	1992	8,500	88,253	Minimum (512) - Site Investigations; EIS Underway
	1995	79,753		High (960) - Site Investigations; EIS Underway
Yazoo City, MS FCI (1,536).....	1993	63,800	65,491	6% Complete
	1994	1,691		
Forrest City, AR FCI (2,048).....	1993	66,292	74,587	Low (1,536) - 3% Complete
	1995	8,295		Minimum (512) - Partial Funding Provided In Conf. Report
Mid-Atlantic FCC (1,664).....	1995	550	93,950	0
				Provided In Conference Report for EIS/Design

* Projected for private contracts.

Status of Construction and Summary of New Facilities Requirements
(Dollars in thousands)

Total Capacity	Fund Status		Total Current Cost Estimate or Actual	Status - January 1995 - Congressional Submission (FY 96) Oblig. to Date	Status of Program	Estimated Activation Date	
	New Construction	Total Funding					
							Fiscal Year	Amount
Acquired Facilities:							
Carswell AFB, TX (1,137).....	1990	\$52,000 (6,400)	\$45,600	\$45,600	\$5,582	Medical (302) - 40% Complete Minimum (323) - 50% Complete Low (512) - 2% Complete	4/95 4/95 1997
Waseca, MN (1,150).....	1990	8,000	8,000	8,000	61	Construction In Progress	2/96
George AFB CA, Minimum Female (512).....	1990	55,000	55,000	55,000	178	Site Investigations	1997
Ft. Devens, MA Complex (1,498).....	1993	32,683	106,956	106,956	9,725	Medical Center (282) - In Design Minimum (512) - In Design Low (512) - In Design Medium (192) - In Design	9/96 9/96 1997 1997
Fort Dix, NJ FCI - West (1,761).....	1993	2,655	2,655	2,655	2,522	Complete	11/94
Western Region FCC (1,152).....	1995	8,000	8,000	116,900	0	Provided in Conference Report for Site/Planning	1999
Expansion of Existing Facilities:							
Milan, MI Camp (150).....	1990	1,000	1,000	1,000	0	1% Complete	5/96
Tallahassee, FL Camp (150).....	1990	1,000	1,000	1,000	21	3% Complete	12/95
Sheridan, OR Det Unit (188).....	1991	10,800	10,800	10,800	10,059	96% Complete	1/95
Seapoville, TX Det Unit (188).....	1991	9,874	9,874	9,874	9,900	12% Complete	12/95
MCC Miami Construct Camp, Phase II (130)....	1992	3,034	3,034	3,034	2,777	Phase II - 88% Complete	2/95
Safford, AZ Housing Unit Expansion (120)....	1993	1,101	1,101	1,101	885	75% Complete	10/95
El Reno, OK Replace Housing, Phase II (0)....	1992	10,001	10,001	10,001	462	In Design	8/96
Loretto, PA Construct Camp (100).....	1992	750	750	750	544	80% Complete	2/95
Lompoc, CA ICC (200).....	1994	1,856	1,856	1,856	34	1% Complete	12/95
Ft. Worth, TX Work Camp (150).....	1994	1,000	1,000	1,000	0	Approved Reprogramming	2/96
Lexington, KY Work Camp (150).....	1994	1,000	1,000	1,000	108	10% Complete	2/96
Loretto, PA Expansion (200).....	1995	7,250	7,250	7,250	0	Provided in Conference Report	1997
Morganstown, WV Expansion (320).....	1995	8,370	8,370	8,370	0	Provided in Conference Report	1997

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Federal Prison System
Buildings and Facilities
Summary of Change (1995 - 1996)

Item	Pos.	FTE	\$(000)
1996 Program Increases:			
New Construction:			
Sentenced Offender Capacity:			
Western Complex, Medium (1,152 beds) with Camp (512 beds)	6	3	108,900
Beaumont, TX, Medium (1,152 beds)	6	6	64,500
Subtotal, Sentenced Offender Capacity (2,816 beds)	12	9	173,400
Detention (USMS Programs):			
FDC Hawaii Contract	6	6	14,253
USMS Holding Cells	0	0	20,051
Subtotal, Detention	6	6	34,304
Total, New Construction (2,816 Beds - Sentenced Capacity, BOP)	18	15	207,704
Modernization and Repair:			
Life Safety:			
Talladega, FCI - Install Fire Protection System	1	1	949
Allenwood, FPC - Install Fire Protection System	1	1	677
Big Spring, FCI - Life Safety Requirements	1	1	823
Nellis, FCI - Life Safety Requirements	1	1	921
Total, Life Safety	4	4	3,370
Hazardous Waste:			
Texarkana, FCI - Asbestos Abatement - Institution Wide	1	1	1,156
Total, Hazardous Waste	1	1	1,156
Total Modernization and Repair	5	5	4,526
Total, Program Increases	23	20	212,230
1996 Estimate	302	299	323,728

Federal Prison System
Buildings and Facilities
Summary of Change (1995 - 1996)

Item	Pos.	FTE	\$(000)
1995 As enacted	305	296	280,494
Less: Procurement Savings.....	0	0	(4,193)
1995 Availability.....	305	296	276,301
1996 Adjustments to Base:			
Transfer of Base from USMS for Holding Cells.....	0	0	2,300
Mandatory Increases:			
Annualization of 1995 Program Increases.....	0	9	0
Annualization of 1995 pay raise (3.3%).....	0	0	576
Within - grade Increases (WIG).....	0	0	146
1996 Pay Raise.....	0	0	291
One addition Compensable day.....	0	0	71
Buyout payment to OPM.....	0	0	22
General Pricing Level Adjustments.....	0	0	2,831
Subtotal, Increases.....	0	9	3,937
Decreases:			
Savings from Federal Employees Retirement System.....	0	0	(195)
Savings from Procurement Reform.....	0	0	(4,075)
Projects Funded in 1995 (except the FDC Oklahoma City lease).....	(26)	(26)	(166,770)
Subtotal, Decreases.....	(26)	(26)	(171,040)
Total, FY 1996 Mandatories.....	(26)	(17)	(167,103)
1996 Base.....	279	279	111,498

**Federal Prison System
Buildings and Facilities
Justification of Adjustments to Base
(Dollars in thousands)**

	Positions	Work- years	Amount
Transfers:			
1. USMS holding cells..... There is a transfer of \$2,300,000 in FY 1996 from the United States Marshals Service (USMS) base to the BOP Buildings and Facilities base. These funds are available for the USMS for the renovation of prisoner holding cells.	\$2,300
Mandatory Increases:			
1. One Additional Compensable Day..... The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$49,000 for pay and \$22,000 for benefits).	71
2. 1996 Pay Raise..... This request provides for the proposed 2.2 percent pay raise to be effective in January of 1996 and is consistent with administration policy. The amount requested, \$201,000, represents the pay amount for three-quarters of the fiscal year plus appropriate benefits (\$202,000 pay and \$89,000 benefits = \$ 291,000).	291
3. Annualization and Increase of 1995 Pay Raise..... This pay annualization represents only first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January of 1994 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$199,000 for pay and \$177,000 for benefits).	\$576
4. Within-grade Increase..... This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$102,000 for pay and \$44,000 for benefits.	146
5. Annualization of 9 additional positions approved in 1995..... This provides the annualization of 9 additional positions approved in the 1995 Appropriation Act for the required supervision of ongoing construction projects requested in 1995.	...	9	...
6. \$50 Supplemental Retirement Contributions..... For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund, as an offset for early retirements an amount equal to 80 times the number of employees who, as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$22,000 provides for this contribution.	22

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	Positions	Work- Years	Amount
7. General Pricing Level Adjustments.....	2,831
This request applies OHS pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.			
Total mandatory increases.....	...	...	3,937
Decreases (Automatic nonpolicy):			
1. Federal Employees Retirement System (FERS).....	...	...	(195)
Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease is \$195,000.			
2. Procurement Savings.....	...	...	(4,075)
This decrease results from Congressional and other action on procurement reform as recommended by the National Performance Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$4,075,000.			
3. Non-Recurring Costs (Projects funded in 1995, except the JDC Oklahoma City lease).....	(26)	(26)	(166,770)
Total decreases.....	(26)	(26)	(171,040)
TOTAL ADJUSTMENTS TO BASE.....	(26)	(17)	(164,803)

Federal Prison System
Buildings and facilities
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and salary ranges	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
GS-14 \$57,760-75,091	7		7		7		0	
GS-13 \$48,878-63,539	62		62		62		0	
GS-12 \$41,104-53,433	101		86		86		0	
GS-11 \$34,295-44,586	117		117		114		(3)	
GS-09 \$28,345-36,845	7		7		7		0	
GS-08 \$25,662-33,364	4		4		4		0	
GS-07 \$23,171-30,121	5		5		5		0	
GS-06 \$20,852-27,103	7		7		7		0	
GS-05 \$18,707-24,316	4		4		4		0	
Ungraded positions	6		6		6		0	
1996 pay increase				216		269		53
Total appropriated positions	320	\$14,720	305	13,312	302	13,602	(3)	290
Pay above stated annual rates	0	44	0	0	0	49	0	49
Lapses	(31)	(1,729)	(11)	(367)	(5)	(135)	6	232
Savings due to lower pay scales part of year	0	(144)	0	(54)	0	(61)	(7)	(7)
Net full-time permanent	287	12,891	294	12,891	297	13,455	3	564
Other than full-time permanent	2	52	2	52	2	57		5
Holiday/Overtime	9	608	9	608	9	107		(50.1)
Total, workyears and personnel compensation	298	13,551	305	13,551	308	13,619	3	68
Average GS/GM Salary		\$35,865		\$36,582		\$36,582		
Average GS/GM Grade		11.3		11.3		11.3		
Average Ungraded Salary		\$37,275		\$38,304		\$38,304		

Summary of Requirements by Grade and Object Class (Cont)

Object Class	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
11 Personnel compensation								
11.1 Full-time permanent	287	\$12,891	294	\$12,891	297	\$13,455	3	564
11.3 Other than full-time permanent	2	52	2	52	2	57	0	5
11.5 Other personnel compensation	9	608	9	608	9	107	0	(501)
Total	298	13,551	305	13,551	308	13,619	3	68
12 Personnel benefits								
21 Travel and transportation of persons	4,078		3,048			3,000		(48)
22 Transportation of things	1,393		1,639			1,613		(26)
23.2 Rental payments to others	334		250			246		(4)
23.3 Communications, utilities and misc charges	19		104			102		(2)
24 Printing and reproduction	47,967		35,644			35,084		(560)
25 Other services	58		140			138		(2)
26 Supplies and materials	560,355		360,770			358,378		(2,392)
31 Equipment	18,470		13,731			13,515		(216)
32 Land and Structures	16,639		21,680			21,339		(341)
42 Insurance Claims and Indemnities	11,479		8,530			8,396		(134)
43 Interest and Dividends	(96) ¹		C			0		0
Total direct obligations	105		71			70		(1)
	674,352		459,158			455,500		(3,658)
Unobligated Balance, start-of-year		(1,349,184)		(944,375)		(781,518)		
Unobligated Balance, Rescinded								
Unobligated Balance, end-of-year								
Total Requirements	944,375		761,518			629,746		
	269,343		276,301			323,728		
Relation of obligations to outlays								
Obligations incurred, net	674,352		459,158			455,500		
Obligated balance, start-of-year	508,796		724,098			638,399		
Obligated balance, end-of-year	(724,099)		(638,399)			(576,176)		
Outlays	459,050		544,857			517,723		

¹ There was an unexpected charge of \$69,000 to Object Class 42, Insurance Claims and Indemnities, which was not in the President's Budget

Department of Justice
Federal Prison System
Federal Prison Industries, Incorporated
Estimates for Fiscal Year 1996
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Federal Prison System
Federal Prison Industries, Incorporated
Summary Statement
Fiscal Year 1996

The Federal Prison System is requesting for Federal Prison Industries, Incorporated, in FY 1996 a total of 1,867 positions and 1,841 workyears. This request represents an increase of 81 positions and 147 workyears from the 1995 available level.

Federal Prison Industries, Incorporated (FPI), was created by Congress in 1934 and is a wholly owned Government corporation which operates at no cost to the U.S. taxpayer. The Corporation is authorized to operate industries in Federal penal and correctional institutions and disciplinary institutions, to manufacture and distribute goods and services to inmates, and to provide a full-time work program for the inmate population (20 percent in 1994). Federal Prison Industries reduces undesirable inmate idleness by providing a full-time work program for the inmate population (20 percent in 1994). More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired. Earnings from the Corporation's industrial activities are used for all operating costs of the Corporation, including marketing expenses, inmate work areas, compensation to inmates performing in industrial work details, and compensation to former inmates for injuries they received while in Federal prisons.

A board of six Directors, appointed by the President, reviews and approves the policies of the Corporation, long-range corporate plans, establishment of new industries, and bylaws and capital investments in excess of \$500,000. The Board also makes annual reports to Congress on the conduct of the business of the Corporation and the condition of its funds. General management of the Corporation is vested in a Chief Operating Officer and carried out by a staff of 32 Corporate Management employees located in Washington, D.C. Expenses of this function are subject to Congressional limitation.

An average of 16,199 inmates in 97 factories at 50 locations were employed in 1994, and inmate employment is expected to reach an average of 18,520 by 1996 reflecting the Bureau of Prisons' projected population growth. Industries manufacture a wide range of products including furniture, clothing, assemblies, metal and textile products. They also work in service industries such as furniture refinishing, data processing, vehicular component manufacturing, and laundries. All products and services of the Corporation are sold to Federal Agencies, the Department of Defense, the Postal Service, the Veterans Administration, and the General Services Administration are the largest customers. In 1996, an additional \$10 inmate employees are anticipated as a result of the projected population increases.

As the Federal Prison Industries implements the personnel increases reflected in this budget for FY 1995 and 1996, it will endeavor to continue implementing the recommendations of the National Performance Review to reduce, by half, the percentage of its employees that are supervisors or managers of other staff by the year 1998.

Federal Prison SystemFederal Prison Industries, IncorporatedJustification of Proposed Changes to the Appropriation Language

The 1996 budget estimates include proposed changes in appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Federal Prison Industries, Incorporated

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

(18 U.S.C. 4121-4129; Department of Justice and Related Agencies Appropriations Act, 1992).

Limitation on Administrative Expenses
Federal Prison Industries, Incorporated

Not to exceed \$3,463,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. §109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

(Department of Justice and Related Agencies Appropriations Act, 1992).

Explanation of Changes:

No substantive changes proposed.

Federal Prison System
Federal Prison Industries, Incorporated
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request ¹		Reprogramming		FTE Reduction		1995 Availability	
	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount	Pos.	WY Amount
Federal Prison Industries	1,786	1,723	0	0	0	(29)	1,786	1,694
Total	1,786	1,723	0	0	0	(29)	1,786	1,694

¹ Includes reduction of \$3,210,000 for procurement savings.
Federal Prison Industries FTE was reduced by 29 for FY 1995.

Justification of Program and Performance
Federal Prison System
Federal Prison Industries Incorporated
Fiscal Year 1996
 (Dollars in thousands)

LONG RANGE GOAL: Employ inmates; provide inmates opportunities for on-the-job training and apprenticeship programs to develop entry level skills and enable inmates to acquire on-the-job knowledge and proficiency, as well as discipline in the work ethic.

MAJOR OBJECTIVES:

Plan for the growth of FPI and provide inmates employment required for the safe and orderly management of the Bureau of Prisons.

Manage FPI financial affairs in an efficient and more productive fashion.

Provide on-the-job training to an average of 18,520 inmates in all industrial factories in 1996.

Provide pre-industrial training projects to enhance factory operations and provide increased training opportunities.

Achieve the installation of developmental programs which will assure FPI of a highly trained, qualified, and motivated staff.

Implement a management control system which is fully automated and conforms with the needs of the Corporation to maintain control of all interdependent divisions and geographic locations.

Develop and implement a program of materials management which will reduce the costs of FPI products and enable FPI to more effectively meet the price/delivery and quality requirements of its customers.

Develop non-traditional growth strategies in order to meet the challenges facing FPI in response to the Congressionally mandated Independent Market Study.

Ensure Total Customer Satisfaction by being competitive in marketplace price, quality, and delivery standards.

Develop and implement strategies for communicating FPI's primary mission and goals to the public, private sector business community, government agencies, and elected officials.

BASE 199029AM 0560317108: Federal Prison Industries, Inc., is self-supporting. Revenues are derived from the sale of products and services to other Federal agencies. Operating expenses such as the costs of raw materials and supplies, inmate wages, staff salaries, and capital expenditures are applied against these revenues, resulting in operating income or loss, which is resplit toward operating costs for future production.

Federal Prison Industries (FPI) reduces undesirable inmate idleness by providing a full-time work program for approximately 20 percent of the inmate population. More than 50 percent of the inmate population do not have marketable skills. FPI provides a program of constructive industrial work wherein job skills can be developed and work habits acquired.

Institution factories and shops are operated by civilian supervisors and managers, training and overseeing the work of inmates. The factories utilize raw materials and component parts purchased from the private sector to produce finished goods. These goods are shipped to government customers, primarily the Department of Defense, the Postal Service, the Veterans Administration and the General Services Administration. Institution factories manufacture such items as furniture, clothing, electronics, metal and canvas products, and provide such services as data processing and furniture refinishing. Orders for goods and services are obtained through marketing and sales efforts by civilian staff. Prices are usually obtained in negotiation with customer agencies not to exceed current market prices. A portion of the earnings realized by these operations is reinvested to improve and build new facilities and purchase equipment, maintain state-of-the-art capability and provide working capital.

To operate modern factories and shops that produce products that meet Government specifications requires extensive testing and product development procedures. Inmate training is also extensive because most of the inmates have had no previous training, experience or skills. Much of the needed training occurs on-the-job with civilian supervisors and experienced inmates explaining the work to newly assigned inmates. Where skills require more formal training, such as soldering, classroom instruction is provided by UNICOR staff.

As a manufacturing concern, the Corporation makes capital investments in building/improvements, machinery and equipment as necessary in the conduct of its industrial operations.

Other expenses charged to the industrial manufacturing program include inmate accident compensation.

As a result of private sector concerns that the Corporation was becoming an undue burden of competition, Congress adopted guidelines for the production of new products and significant product expansion which are incorporated into statute. Before any significant production expansion or new products are manufactured, the guideline process is conducted with full knowledge of interested parties.

ACCOMPLISHMENTS AND WORKLOAD:

During 1994, an average of 16,199 inmates were employed at 50 institutions in 97 factories. The inmate employment represents approximately 20 percent of the prison system population. Sales were \$394 million with a net operating income of \$10.1 million. Resources were provided for modernization of equipment (1994 - \$5 million). Strategic planning continues to be the means of preparing for future growth of the Federal Prison System's projected future population.

Activity/statistic (\$ 000)	1993	1994	1995	1996	
				Base Level	Change Request
1. Inmate employment					
a. Number of Inmates Employed (Average)	16,224	16,199	17,080	17,980	540 18,520
b. Wages paid to inmates	\$ 29,203	\$ 30,420	\$ 32,364	32,364	976 33,340
c. Accident Compensation to inmates	\$ 144	\$ 175	\$ 175	175	... 175

Explanation: Bureau of Prisons analysis of Federal prosecution trends plus enactment of the Comprehensive Crime Control Act of 1984 portend a continued upward trend in the inmate population. Anticipated increases are to address the requirement for increased inmate employment and training, and decreased idleness.

PROGRAM CHANGES:

This request represents an increase of 81 positions and 40 workyears over the FY 1996 base. These positions are being requested for the activation of 2 factories at 2 locations employing 540 inmates.

Federal Prison System
Federal Prison Industries, Incorporated
 Financial Analysis - Program Changes
 (Dollars in thousands)

Item	Pos.	Amount
Grades		
GS/GM - 14.....	1	58
GS/GM - 13.....	3	147
GS - 12.....	7	288
GS - 11.....	2	69
GS - 9.....	5	142
Ungraded Positions.....	63	1,603
Wage Scale - Increase.....	..	..
Total positions and annual rate.....	81	2,307
Special personnel service payments.....	..	600
Lapse (-).....	(41)	(1,189)
Total workyears and personnel compensation.....	40	1,718
Personnel benefits.....	..	1,210
Travel and transportation of persons and things.....	..	190
Comm., utilities, and misc charges.....	..	333
Other services.....	..	650
Supplies and materials.....	..	23,084
Equipment.....	..	4,520
Land and structures.....	..	3,900
Total program workyears and obligations changes requested, 1996	40	35,505

Federal Prison System
Federal Prison Industries, Inc.
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994 Authorized	1995 Enacted	1996 Program	
			Increases	Request
Attorneys (905).....	2	2	...	2
Personnel Management (200-299).....	4	4	...	4
Paralegal Specialists (950).....	1	1	...	1
Other Legal and Kindred (900-998).....	1	1	...	1
Correctional Institution Administration (006).....	47	54	3	57
Correctional Officers (007).....	4	4	...	4
General Admin., Clerical and Office Svcs. (300-399).....	160	200	...	200
Accounting and Budget (500-599).....	190	207	6	213
Engineering and Architecture Group (800-899).....	7	7	...	7
Information and Arts Group (1000-1099).....	8	8	...	8
Business and Industry Group (1100-1199).....	210	210	3	213
Equipment, Facilities and Service Group (1600-1699).....	114	114	3	117
Manufacturing Quality Control Group (1900-1999).....	80	80	3	83
Supply Group (2000-2199).....	10	10	...	10
Transportation (2100-2199).....	7	7	...	7
Ungraded (culinary, farm, mechanical and construction).....	781	877	63	940
Total.....	1,626	1,786	81	1,867
Washington.....	300	280	0	280
U.S. Field.....	1,326	1,506	81	1,587
Total.....	1,626	1,786	81	1,867

Federal Prison System
Federal Prison Industries, Industries
Summary of Change 1995 - 1996
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1995 as Enacted.....	1,786	1,723	\$521,688
Procurement Savings.....	0	0	(3,210)
1995 FTE Reduction.....	0	(29)	0
1995 Availability.....	1,786	1,694	518,478
1996 Adjustments to Base:			
Increases:			
Restoration of FY 1995 FTE Reduction.....	0	29	0
Annualization of 1995 Positions.....	0	78	4,808
\$80 Supplemental Retirement Contribution.....	0	0	221
Health Benefits.....	0	0	138
Total Increases.....	0	107	5,167
Decreases:			
Savings From Federal Employees Retirement System.....	0	0	(1,029)
1996 Base.....	1,786	1,801	522,616
1996 Program Changes			
Factory Activations			
Waseca, MN (Low, 12/95).....	39	29	18,773
Beaumont, TX (Low, 6/96).....	42	11	16,732
Total Program Changes.....	81	40	35,505
1996 Estimates.....	1,867	1,841	558,121

Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges

	1994 Actual		1995 Availability		1996 Request		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
ES-4, \$109,661	2		2		2			
ES-2, \$99,543	1		1		1			
ES-1, \$94,944	1		1		1			
GS-15, \$67,942-\$88,321	12		10		10		(2)	
GS-14, \$57,760-\$75,091	54		49		50		(5)	
GS-13, \$48,878-\$63,539	95		101		104		6	
GS-12, \$41,104-\$53,433	180		230		234		6	
GS-11, \$34,295-\$44,586	173		175		179		2	
GS-10, \$31,215-\$40,579	18		18		18			
GS-9, \$28,345-\$36,845	168		181		187		13	
GS-7, \$23,171-\$30,121	88		88		88			
GS-6, \$20,852-\$27,103	24		24		24			
GS-5, \$18,707-\$24,316	28		26		28		(2)	
GS-3, \$14,895-\$19,366	1		1		1			
Ungraded positions	781		879		942		98	
Total, authorized positions	1,626	\$58,536	1,786	\$73,723	1,867	\$79,933	81	\$6,210
Pay above stated annual rates .....	...	237	...	...	...	265	0	265
Lapses	(136)	(5,112)	(87)	(2,933)	(50)	(1,189)	37	1,744
Savings due to lower pay scales for part of year .....	...	...	...	(304)	...	(316)	0	(12)
1995 FTE Reduction .....	...	...	(29)	986	...	...	29	(986)
Net full-time permanent	1,490	53,661	1,670	71,472	1,817	78,893	147	7,221
Other than permanent .....	...	...	...	...	...	...	...	...
Part-time permanent	1	20	1	32	1	37	0	5
Temporary employment	7	133	7	224	7	135	0	(89)
Other part-time and intermittent employment	8	144	16	326	16	330	0	4
Other personnel compensation .....	...	...	...	...	...	...	0	0
Overtime	59	3,932	59	3,304	63	3,466	4	162
Other compensation	2	130	2	121	2	130	0	9
Special personal services payments .....	...	29,849	...	32,750	...	34,367	0	1,617
Total, workyears and personnel compensation	1,567	87,869	1,755	108,229	1,908	117,178	151	8,949
Average ES Salary		103,201		107,320		105,016		
Average GS/GM Salary		33,360		34,700		41,796		
Average Ungraded Salaries		36,900		38,376		33,376		
Average GS/GM Grade		10.50		10.58		10.58		

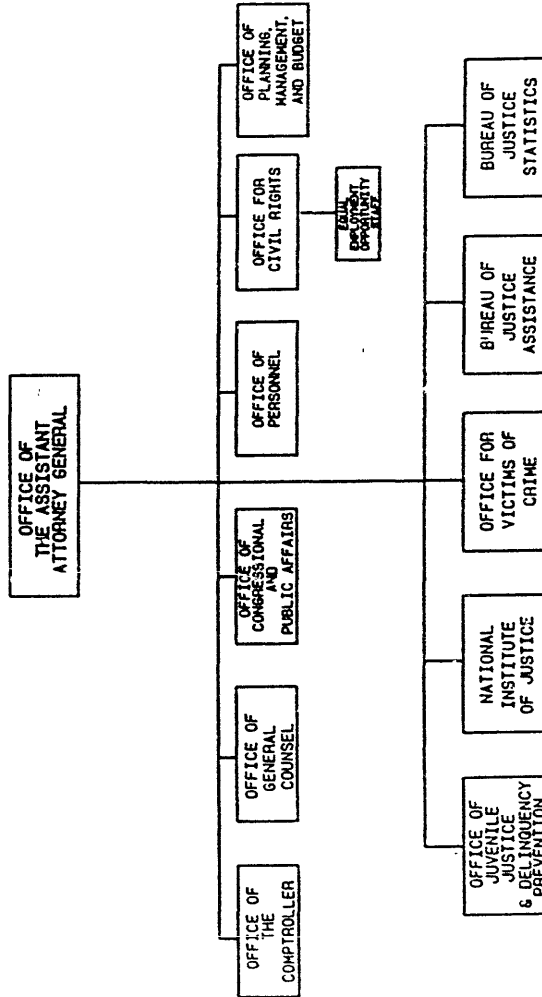
Federal Prison System
Federal Prison Industries, Inc.
Summary of Requirement by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actuals		1995 Availability		1996 Estimate		Increase/ Decrease	
	Work - Years	Amount	Work - Years	Amount	Work - Years	Amount	Work - Years	Amount
11.1 Full-time permanent	1,490	53,661	1,670	71,472	1,817	78,693	147	7,221
11.3 Other than permanent	16	297	24	562	24	502	0	(60)
11.5 Other personnel compensation	61	4,092	61	3,425	65	3,596	4	171
11.8 Special service pay		29,849		32,750		34,387	0	1,637
Total workyears and personnel comp	1,567	87,869	1,755	108,229	1,906	117,176	151	8,949
Other objects								
12 Personnel benefits		23,951		20,842		20,697		(145)
21 Travel and transportation of persons		2,413		3,036		4,133		1,977
22 Transportation of things		5,477		5,100		5,355		255
23.2 Rental payments to others		2,604		3,953		4,150		1,977
23.3 Communications, utilities and miscellaneous charges		3,565		7,871		8,054		363
24 Printing and reproduction		937		1,483		1,557		74
25.1 Advisory and assistance services		13		25		30		5
25.2 Other services		12,049		12,475		13,099		624
26 Supplies and materials		198,342		254,675		305,428		50,751
31 Equipment		6,100		10,560		12,000		1,410
32 Land and structures		5,717		6,101		7,900		1,399
33 Interest and dividends		1,120		230		200		(60)
93 Administrative expenses		1,320		3,463		3,552		96
Total direct obligations		348,692		438,793		502,936		94,145
Unobligated Balance, start-of-year		(302,672)		(324,848)		(444,333)		(119,485)
Unobligated Balance, end-of-year		346,018		444,333		467,516		123,183
Total Requirements		411,868		518,476		558,121		139,645
Relations of obligations to outlays								
Total Obligations Incurred		348,692		438,793		502,936		164,244
Less								
Receipts		(41,569)		(518,478)		(558,121)		(119,485)
Obligated incurred, net		(61,976)		(79,685)		(85,185)		(25,500)
Receivables in excess of obligations, start-of-year		(223,676)		(270,266)		(349,081)		(125,405)
Receivables in excess of obligations, end-of-year		270,266		349,081		405,164		134,877
Outlays		(15,556)		0		0		0

Department of Justice
Office of Justice Programs
Justice Assistance
Estimates for Fiscal Year 1996
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OFFICE OF JUSTICE PROGRAMS



Edwin Meese III
 EDWIN MESE III
 Attorney General

15 JUL 88
 DATE

**Office of Justice Programs
Justice Assistance
Summary Statement
Fiscal Year 1996**

The Office of Justice Programs (OJP) is requesting, for 1996, a total of \$122,076,000, 513 permanent positions, and 523 workyears. This request represents an increase of \$15,306,000, 76 positions and 92 workyears over the 1995 enacted level.

Budget authority is requested for five existing programs: (1) Research, Evaluation, and Demonstration programs, which conduct research into all aspects of the criminal justice system; (2) Criminal Justice Statistical programs, which provide statistical information dealing with crime and the operation of the criminal justice system at all levels of government; (3) the Missing Children program, which is aimed at combating the criminal and sexual exploitation of children; (4) the Regional Information Sharing System (RISS) program that enhances the ability of state and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries; and (5) the White Collar Crime Center that is developing a national support system for the prevention, investigation and prosecution of economic crimes.

Research, Evaluation, and Demonstration Programs

The National Institute of Justice (NIJ) is the Nation's primary source of research and development on crime and the criminal justice system. NIJ's mandate includes responsibility for understanding the causes of crime, identifying and demonstrating programs and methods for preventing and reducing crime, studying and improving the criminal justice system, evaluating the effectiveness of criminal justice programs to determine what programs work and why they work, and disseminating this information by serving as a national and international clearinghouse for the exchange of criminal justice information. The Institute conducts research on a wide variety of justice policies, procedures, and programs. Projects include testing new technology that is being developed by the criminal justice system, and the capacity of state and local criminal justice agencies to utilize existing programs and policies, and provides for a multi-media dissemination program to inform the public of important research, evaluation and demonstration findings. The 1996 request of \$27,690,000 will continue the program at the 1996 base funding level.

Criminal Justice Statistical Programs

The Bureau of Justice Statistics (BJS) is responsible for the collection, analysis, and publication of statistical information on crime, criminal offenders, victims of crime, and the operation of the justice system at all levels of government. The mission of the Bureau is to provide reliable and timely data and analysis to the public, the White House, Congress, the Judiciary, criminal justice practitioners and academics, and the public with accurate and timely justice data and to support the emerging capacity of state and local governments to use justice data as a cornerstone of their justice programs. In 1996, the program will be continued at the 1996 base resource level of \$22,020,000.

Emergency Assistance

This program offers a Federal response to situations of an emergency nature that exceed the capacity of local law enforcement resources. The legislation authorizes the provision of Federal law enforcement personnel and equipment to a state in the event of a law enforcement emergency. Budget authority was last provided for the program in 1992. No funds are requested for the program in 1996. The program will be continued with the current unobligated balance of about \$1,100,000 and any future deobligated funds that become available.

Missing Children

This program, which was first authorized and funded by Congress in 1985, provides funds to combat crimes against children, particularly kidnapping and sexual exploitation, by assisting families, citizen groups, law enforcement agencies and government institutions in a national effort to ensure the safety and protection of children. The 1996 request maintains the 1995 base funding level of \$5,971,000.

National Information Sharing System

The RISS program provides funds to maintain six regionally-based information sharing centers throughout the United States that service state and local law enforcement agencies in addressing major, multi-jurisdictional crimes. The program encourages and facilitates the rapid but controlled exchange and sharing of information pertaining to known or suspected criminals or criminal activity among state and local law enforcement agencies and enhances coordination and communication among agencies in pursuit of criminal activity determined to be multi-jurisdictional in nature. For 1996, \$14,500,000 is being requested for the RISS program which is consistent with the 1995 enacted level.

White Collar Crime Information Center

The National White Collar Crime Information Center assists Federal, state and local law enforcement and regulatory agencies in multi-state investigations of white collar crimes. The Center is developing a national support system for the prevention, investigation and prosecution of economic crimes, and is pursuing an educational and training component targeting agencies which have the responsibility of investigating economic crime. Prior to 1995, this project had been included within the RISS activity. The 1996 request will maintain this activity at the 1995 enacted level of \$1,400,000.

Management and Administration

This activity provides for executive direction and control, policy coordination, and the full range of management responsibilities of the Office of Justice Programs (OJP) and its Bureau, which are the National Institute of Justice, the Bureau of Justice Statistics, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. The 1996 request of \$10,495,000, 513 positions, and 523 workyears represents an increase of \$14,723,000, 76 positions and 92 workyears over the 1995 enacted level. This increase includes \$595,000 for the annualization of 16 positions provided in 1995 and \$14,128,000 in adjustments to base. In addition, 76 positions and workyears are required for the management and administration of the \$1.6 billion requested under the Violent Crime Reduction Program account for programs authorized by the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA). OJP proposes to implement 25 new VCCLEA programs and to greatly expand four initially funded in 1995. Such intense expansion demands additional administrative funding and 25 workyears to protect the fiscal and programmatic integrity of these programs.

Office of Justice Programs

Justice Assistance

Justification of Proposed Changes in Appropriation Language

The 1986 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Justice Assistance

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, [98,100,000] to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102-534 (106 Stat. 3524), of which \$750,000 of the funds provided under the Missing Children's Program shall be made available as a grant to a national voluntary organization representing Alzheimer patients and families to plan, design, and operate the "Safe Return" Program. \$102,345,000

(Department of Justice and Related Agencies Appropriations Act, 1993.)

Explanation of Changes:

1. The first change deletes language for the "Safe Return" Program. Funds for this purpose are being requested under the Violent Crime Reduction Program appropriation.

Activity/Program	Office of Justice Programs Statistical Information System of 1991 Changes (Dollars in thousands)				1995 Appropriation Anticipated			
	1995 Adjusted President's Request		Congressional Appropriation Action on 1995 Request		Procurement Savings		Transfers	
	For. FY	Amount	For. FY	Amount	For. FY	Amount	For. FY	Amount
1. Research, Evaluation and Demonstration Programs.....	...	\$22,995	...	\$4,005	...	...	...	...
2. Criminal Justice Statistical Programs.....	...	21,373	...	6	...	...	...	21,379
3. Emergency Assistance.....	...	...	...	...	...	...	...	...
4. Missing Children.....	...	6,621	...	100	...	...	...	6,721
5. Regional Information Sharing System.....	...	...	...	14,500	...	...	...	14,500
6. White Collar Crime Information Center.....	...	...	...	1,400	...	...	...	1,400
7. Management and Administration.....	358,364	28,704	72,67	-7,404	...	-123	18,791	437,431
Total, Justice Assistance.....	368,364	79,693	72,67	16,407	...	-123	8,795	437,431
Congressional Appropriation Actions. Congress increased funding for the Research, Evaluation and Demonstration Programs by \$4,005,000, the Criminal Justice Statistical Programs by \$6,000,000, the White Collar Crime Information System by \$14,500,000, and the Missing Children Program by \$100,000. Congress restored funding of \$14,500,000 for the Regional Information Sharing System and \$1,400,000 for the newly created activity entitled White Collar Crime Information Center. Congressional action provided an increase of 72 positions and 67 workyears to administer the programs that were authorized by the Violent Crime Control and Law Enforcement Act of 1994. An overall decrease of \$1,604,000 for Management and Administration.								
Procurement Savings. Savings expected from increased efficiencies in the Federal procurement system as a result from Congressional and other action on procurement reform as recommended by the National Performance Review.								
Transfers From Other Accounts. Provides \$4,800,000 from the Juvenile Justice Programs account; \$900,000 from the Community Oriented Policing Services (COPS) Program account; and \$1,095,000 from the Violent Crime Reduction Trust Fund account for administration of these programs. This presentation agrees with the 1995 President's Budget Request. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are scored against the Trust Fund only, the transfer of \$900,000 from COPS and \$1,095,000 from VCRP will be treated as a reimbursement.								

**Office of Justice Programs
Budgetary Resources
Summary of Appropriations
(Dollars in thousands)**

	Perm. FTEs	Work- Year	Amount
Appropriations by Major Program:			
1995 as enacted.....	437	431	\$96,100
1995 enacted as adjusted.....	437	431	\$97,333
Transfers from other accounts:			
Community Oriented Policing Services (COPS) A/.....	...	...	900
Violent Crime Reduction Program, OJP for administrative functions.....	...	...	3,098
Justice System Improvement Program, OJP for administrative functions.....	...	...	3,800
1995 appropriated but not obligated.....	437	431	108,772
Change in transfers:			
Transfer from Community Oriented Policing Services (COPS) A/.....	...	...	1,047
Transfer from Violent Crime Reduction Program (VCRP), OJP for administrative functions B/.....	76	76	9,889
Transfer in the services to Violent Crime Reduction Program (VCRP) g/.....	...	...	-750
Mandatory increases.....	...	16	9,364
Decreases:			
Federal Employees Retirement System.....	...	...	-93
Federal Communications System.....	...	...	-120
Federal Telecommunications System 2000.....	...	...	-38
1996 base.....	513	513	132,078

	1995 Appropriation Anticipated		1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	FTEs	Amount	Perm.	FTEs	Amount	Perm.	FTEs
Expenditures by Budget Activity:								
1. Research, Evaluation and Demonstration Programs.....	...	...	\$27,000	...	...	\$27,690	...	...
2. Criminal Justice Statistical Programs.....	...	...	21,379	...	...	22,020	...	...
3. Emergency Assistance.....	...	...	...	...	...	...	...	...
4. Missing Children.....	...	...	6,721	...	...	9,971	...	...
5. Regional Information Sharing System.....	...	...	14,800	...	...	14,800	...	...
6. Justice System Improvement Center.....	...	...	15,273	...	...	15,273	...	...
7. Management and Administration.....	437	431	108,772	513	513	132,078	...	...
Total.....	437	431	108,772	513	513	132,078	...	...

a/ Transfers of \$900,000 in 1995 and \$1,946,900 for 1996 are for functions associated with the administration of the COPS program. Presentation in agreement with the 1996 President's Budget Appendix. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are scored against the Trust Fund only, these transfers will be treated as reimbursements.

b/ Presentation in agreement with the 1996 President's Budget Appendix. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are scored against the Trust Fund only, the transfer of \$9,889,000 from the VCRP will be treated as a reimbursement.

c/ The transfer in the services of \$750,000 to the VCRP appropriation provides direct funding for the Missing Alheimer's Patient Alert Program. In 1995, this program was funded from the Justice Assistance appropriation. For 1996, however, the funding authorization of \$900,000 is provided for this program within the VCRP appropriation. The Administration is requesting that this amount be funded from the VCRP appropriation. In total, \$900,000 is requested in 1996 for the Missing Alheimer Patient Alert Program, an increase of \$10,000 over the 1995 enacted level for this program.

OFFICE OF JUSTICE PROGRAMS
Justice Assistance
Human Resources Development Program
(Dollars in thousands)

Estimates by Program	1994 as Enacted			1994 Actual			1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease		
	Perf.	NY	Fed.	Perf.	NY	Fed.	Perf.	NY	Fed.	Perf.	NY	Fed.	Perf.	NY	Fed.	Perf.	NY	Fed.
Research, Evaluation and Demonstration Programs.....	...	...	\$22,500	...	...	\$24,210	...	...	\$27,000	...	...	\$27,690	...	...	\$27,690	...	...	...
Criminal Justice Statistical Program .....	...	...	20,943	...	...	21,584	...	...	21,379	...	...	22,020	...	...	22,020	...	...	...
Emergency Assistance.....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Missing Children.....	...	...	6,421	...	...	6,986	...	...	6,721	...	...	5,971	...	...	5,971	...	...	...
Crime Control Programs.....	...	...	...	...	...	147	...	...	...	...	...	...	...	...	...	...	...	...
Regional Information Sharing System.....	...	...	14,491	...	...	14,480	...	...	14,500	...	...	14,500	...	...	14,500	...	...	...
White Collar Crime Information Center.....	...	...	...	...	...	...	...	...	1,400	...	...	1,400	...	...	1,400	...	...	...
Management and Administration:																		
Executive direction & control, NIJ..	48	50	3,290	48	44	3,304	48	50	3,534	48	50	4,035	48	50	4,035	...	...	...
Executive direction & control, BJS..	55	56	3,612	55	48	3,148	55	56	3,883	55	56	4,195	55	56	4,195	...	...	...
Executive direction & control, OJJ..	58	60	4,080	58	57	3,824	58	71	4,800	58	82	5,395	58	82	5,395	...	...	...
Executive direction & control, OJP..	61	62	3,715	61	55	3,415	61	62	3,782	61	62	4,065	61	62	4,065	...	...	...
Executive direction & control, OVC..	26	27	1,856	26	22	1,610	26	27	1,782	26	27	1,932	26	27	1,932	...	...	...
Executive direction & control, VCP..	...	...	...	...	...	...	...	...	3,981	148	148	14,931	148	148	14,931	...	...	...
OJP program support services.....	104	106	13,495	104	100	15,183	92	101	14,011	92	101	15,211	92	101	15,211	...	...	...
Subtotal, M & A.....	348	358	29,800	348	326	31,061	437	431	35,772	437	431	40,481	437	431	40,481	...	...	...
Subtotal, Justice Assistance.....	348	358	94,155	348	326	98,468	437	431	106,772	437	431	122,076	437	431	122,076	...	...	...

Office of Justice Programs
Summary of Resources by Program - Continued
 (Dollars in thousands)

Estimates by Program	1994 as Enacted			1994 Actual			1995 Appropriation Anticipated			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	Vol.	NY	Perm.	Vol.	NY	Perm.	Vol.	NY	Perm.	Vol.	NY	Perm.	Vol.	NY	Perm.	Vol.	NY
Juvenile Justice and Delinquency Prevention:																		
Formula grants.....	58,310	...	...	59,842	...	...	...	...	...	...	...	...	...	...	...	...
State technical assistance.....	1,190	...	...	936	...	...	...	...	...	...	...	...	...	...	...	...
Special emphasis.....	8,282	...	...	7,359	...	...	...	...	...	...	...	...	...	...	...	...
Revolving fund.....
Justice Institute of Juvenile Justice Delinquency Prevention.....	12,968	...	...	10,802	...	...	...	...	...	...	...	...	...	...	...	...
Technical assistance.....	11	...	...	...	...	...	...	...	...	...	...	...	...
Concentration of federal efforts.....	200	...	...	319	...	...	...	...	...	...	...	...	...	...	...	...
Part D-Range.....	5,000	...	...	3,505	...	...	...	...	...	...	...	...	...	...	...	...
Part G-Juvenile Mentoring.....	4,000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Title V-Local Delinquency Prevention	33,000	...	...	2,111	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal.....	102,950	...	...	84,385	...	...	...	...	...	...	...	...	...	...	...	...
Victims of Child Abuse:																		
Child abuse judicial training.....	500	...	...	500	...	...	...	...	...	...	...	...	...	...	...	...
Court appointed special advocates.....	4,500	...	...	4,500	...	...	...	...	...	...	...	...	...	...	...	...
Improving investigation and prosecution of child abuse.....	2,000	...	...	2,450	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal.....	8,000	...	...	7,500	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal, Juvenile Justice.....	110,950	...	...	91,885	...	...	...	...	...	...	...	...	...	...	...	...
State and Local Law Enforcement:																		
Formula grants.....	358,000	...	...	353,225	...	...	...	...	...	...	...	...	...	...	...	...
Discretionary grants.....	50,000	...	...	239,537	...	...	...	...	...	...	...	...	...	...	...	...
FBI MCIC 2000.....	13,000	...	...	13,000	...	...	...	...	...	...	...	...	...	...	...	...
State and Local Overtime.....	16,000	...	...	16,000	...	...	...	...	...	...	...	...	...	...	...	...
Anti-Car Theft Grants.....	300	...	...	300	...	...	...	...	...	...	...	...	...	...	...	...
Subtotal, State & Local Law Enf.....	474,300	...	...	622,262	...	...	...	...	...	...	...	...	...	...	...	...
Total.....	348	358	679,405	348	326	812,615	437	431	108,772	513	523	122,076	513	523	122,076	...	...	...
Other Workyears:																		
Overtime.....
Total compensable workyears.....	358	...	...	327	...	...	...	...	...	...	...	...	...	...	...	...

* The "Juvenile Justice Programs" account that also includes Victims of Child Abuse programs along with the "State and Local Law Enforcement Assistance" account were newly established by Congress in 1995; therefore all post-1994 program activity for these programs is reflected in their proper accounts.

Office of Justice Programs
Justice Assistance
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

Financing:	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	FY	AMOUNT	FY	AMOUNT	FY	AMOUNT	FY	AMOUNT
Financing:								
Collections by Source:								
State Justice Institute.....	...	\$189	...	\$119	...	\$119	...	...
U.S. Fire Administration.....	...	50	...	...	...	...	...	...
National Institute of Health.....	...	60	...	...	...	...	...	...
Office of National Drug Control Policy.....	...	-7	...	500	...	500	...	...
Department of the Army.....	...	7,800	...	...	...	...	...	...
Department of Education.....	...	1,114	...	...	...	...	...	...
Department of Health and Human Services.....	...	2,025	...	2,485	...	2,485	...	...
Department of Housing and Urban Development.....	...	18,776	...	6,896	...	6,896	...	...
Department of Justice.....	...	10	...	...	...	...	...	...
Department of Interior.....	...	300	...	...	...	...	...	...
Department of Treasury.....	...	325	...	...	...	...	...	...
Department of Commerce.....	...	30,153	...	10,000	...	10,000	...	...
Budgetary Resources.....
Obligations by Program:								
Research, Evaluation and Demonstration Programs:								
Criminal Justice Statistical Programs.....	...	\$2,623	...	\$8,700	...	\$8,700	...	...
Adult Corrections.....	...	9,775	...	800	...	800	...	...
Civilian Justice Programs.....	...	2,857	...	...	...	...	...	...
Anti-Drug Abuse Program.....	...	14,983	...	...	...	...	...	...
Management and Administration.....	...	30,315	...	500	...	500	...	...
Total.....	...	30,153	...	10,000	...	10,000	...	...
Research, Evaluation and Demonstration Programs:								
Source of Reimbursement:								
State Justice Institute.....	...	\$189	...	\$119	...	\$119	...	...
National Institute of Health.....	...	1,770	...	...	...	...	...	...
Department of Health and Human Services.....	...	1,114	...	2,485	...	2,485	...	...
Department of Education.....	...	300	...	...	...	...	...	...
Department of Treasury.....	...	185	...	6,036	...	6,036	...	...
Department of Justice.....	...	2,623	...	8,700	...	8,700	...	...
Total.....	...	2,623	...	8,700	...	8,700	...	...
Goods or Services Provided:								
Represents funds devoted by contributing agency for joint research projects to be administered by the National Institute of Justice.								

Office of Justice Programs
Justice Assistance
Justification of Reimbursable Resources - Continued

Criminal Justice Statistical Programs

Source of Reimbursement:

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Fed.	NI	Fed.	NI	Fed.	NI	Fed.	NI
Office of National Drug Control Policy.....
Department of Justice.....
Total.....

Goods or Services Provided: Resources devoted by contributing agencies for joint statistical projects to be administered by the Bureau of Justice Statistics.

Juvenile Justice Programs*

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Fed.	NI	Fed.	NI	Fed.	NI	Fed.	NI
Source of Reimbursement:								
Department of Education.....
Department of Commerce.....
Department of Army.....
Department of Housing and Urban Development.....
Total.....

Goods or Services Provided: Resources in 1994 are from Federal agencies for joint projects related to juvenile justice and delinquency prevention to be administered by the Office of Juvenile Justice and Delinquency Prevention.

Crime Control

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Fed.	NI	Fed.	NI	Fed.	NI	Fed.	NI
Source of Reimbursement:								
Department of Justice.....
Total.....

Goods or Services Provided: Resources in 1994 represent grant programs administered for the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division and Weed and Seed peer panels and review process.

* The "Juvenile Justice Programs" account was newly established by Congress in 1995; therefore all post-1994 program activity for this programs is reflected there.

Office of Justice Programs
Justice Assistance
Justification of Reimbursable Resources - Continued

State and Local Law Enforcement*

Source of Reimbursement:

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Pos.	NX Amount	Pos.	NX Amount	Pos.	NX Amount	Pos.	NX Amount
Department of Justice.....	...	\$15,318	...	...	...	...	...	...
Office of National Drug Control Policy.....	...	-7	...	...	...	...	...	...
U.S. Fire Administration.....	...	50	...	...	...	...	...	...
Department of Housing and Urban Development...	...	-488	...	...	...	...	...	...
Department of Interior.....	...	10	...	...	...	...	...	...
Department of Health and Human Services.....	...	100	...	...	...	...	...	...
Total.....	...	14,983	...	...	...	...	...	...

Goods or Services Provided: Resources provided by contributing agencies for joint projects related to Anti-Drug Abuse programs administered by the Bureau of Justice Assistance.

Management and Administration

Source of Reimbursement:

	1994 Actual		1995 Estimate		1996 Request		Increase/Decrease	
	Pos.	NX Amount	Pos.	NX Amount	Pos.	NX Amount	Pos.	NX Amount
Department of Justice.....	...	\$315	...	\$500	...	\$500	...	...

Goods or Services Provided: Grant management and administration services for grant programs in the Department of Justice for the Office of Special Counsel for Immigration Related Unfair Employment Practices, the Civil Rights Division and the Executive Office of the Department of Justice. Resources in 1994 also include costs incurred for the Department of Justice Young American Medal Program.

* The "State and Local Law Enforcement Assistance" account was newly established by Congress in 1995; therefore all post-1994 program activity for this program is reflected there.

Office of Justice Programs
Justice Assistance
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm. For.	NY Amount		Perm. For.	NY Amount		Perm. For.	NY Amount		Perm. For.	NY Amount	
Activity: Research, Evaluation and Demonstration Programs.....	\$27,000	...	...	\$27,690	...	...	\$27,690	...	...	...
<p>LONG-RANGE GOAL: National Institute of Justice (NIJ) research and development guides the development of effective, efficient, equitable and informed criminal justice policies by determining patterns, circumstances, and causes of crime. NIJ identifies the methods of preventing and reducing crime in American society and conducts demonstrations to show programs of proven effectiveness. Through research, evaluations, demonstrations, training, technical assistance and dissemination, NIJ establishes what works and why it works in prevention, enforcement, adjudication, and intervention programs that reduce criminal activities and their consequences.</p>												

MAJOR OBJECTIVES:

- Reduce violent crime, drug-related crime and victimization.
- Reduce the consequences of crime for neighborhoods and communities.
- Develop new technology for law enforcement and the criminal justice system.
- Improve the effectiveness of law enforcement, criminal justice, correctional and service systems' response to offenses and victimization.
- Develop community, household, school, and workplace crime prevention programs.
- Implement the statutory mandate requiring NIJ to conduct program evaluations of the Bureau of Justice Assistance block and discretionary grant drug control programs.
- Communicate research findings to policy officials, practitioners, and researchers through modern communication technology as well as through traditional media.

BASE PROGRAM DESCRIPTION: Authorized by the Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U.S.C. 3721), the NIJ is the Nation's primary source of research and development in the field of criminal justice. The Institute defines its research agenda based upon extensive consultation with other Federal agencies, state and local governments, criminal justice professional associations, and the academic research community. Within the priorities developed by the Administration, the Congress, and the Attorney General, NIJ develops and supports initiatives and programs designed to inform, assist and improve criminal justice practice throughout the nation. In addition, NIJ disseminates research findings to criminal justice officials and policy makers to aid them in deciding the most effective, efficient and equitable responses to their crime problems. Approximately 35 percent of base resources are targeted at implementing the research and evaluation mandate of the Institute, which also includes demonstration and technical assistance efforts. Approximately 34 percent of NIJ funds are allocated to developing new technology which includes technical assistance and demonstration efforts. Approximately 26 percent of NIJ funds are spent on dissemination to provide practitioners with information on research-based innovations that may be appropriate for their jurisdiction. The remaining 5 percent of NIJ's budget funds research support activities such as peer review of grant applications and printing costs.

MJL launched initiatives in 1994 and 1995 to support these on-going efforts including:

- 1) a program at the National Law Enforcement Technology Center to computerize information on law enforcement related technology and equipment. This will enable criminal justice practitioners to

identify manufacturers of a specific product, find other agencies that use that product to evaluate how well it worked, and provide technical assistance to help agencies locate or borrow equipment from another agency or to locate an expert in a particular field; 2) development of performance standards for Restriction Fragment Length Polymorphism (RFLP) and Polymerase Chain Reaction (PCR) DNA testing procedures; 3) forensic research including identification of suspects and the collection and processing of physical evidence for presentation at trial, and weapons identification technology; 4) research on the scientific/technological, policy, legal, and social aspects of less-than-lethal weapons development; and 5) research to develop new or improved technologies in other operational areas of criminal justice, for example, the development of virtual reality technology for law enforcement training, hand held computers with a variety of specialized software applications, or miniaturized audio-visual recording devices for crime scenes.

DISSEMINATION: The Institute communicates to the field through the National Criminal Justice Reference Service (NCJRS), the principal national and international clearinghouse of information on criminal justice issues mandated by Congress. In addition, information generated by the Institute is disseminated through a variety of publications training and technical assistance activities, conferences, and focus meetings. NIJ publications include the following: Research in Brief - presents concise summaries of research findings and policy implications; Issues and Practices - explores program options and management issues in a topic area, based on research and evaluation findings; operational experience and expert opinions; Program Focus - reports on case studies of innovative programs and practices; and Evaluation Bulletin - communicates the results of individual evaluations; Research Highlights - reports which briefly discuss the major findings of a variety of recently completed NIJ studies; and Research Update - a one to two page summary of the major findings of a single study. In 1994, NIJ also expanded its electronic communication/dissemination services on the INTERNET by providing on-line services for NCJRS users, and creating a pilot on-line search and retrieval system for promising youth violence prevention programs nationwide.

ACCOMPLISHMENTS AND WORKLOAD: Workload and productivity information for the National Institute of Justice is presented in the following table:

Item	1993	1994	1995 Estimate
Program Solicitations Prepared 1/.....	36	50	55
Policy Reports Prepared and Published.....	22	31	70
Crime Science and Policy Journal Articles Received from NIJ Research 2/.....	20	26	200
Grant Research and Evaluation Proposals Received and Reviewed 2/.....	400	270	600
In-House Policy Research Projects Planned and Conducted.....	7	4	6
Grant Close-outs Completed.....	70	70	70
Criminal Justice Data Collections Obtained.....	45	30	30
Applied Research Workshops/Demonstrations Initiated.....	5	5	5
Major Regional Workshops and National Conferences Held.....	20	20	20
Conference Attendees.....	2,125	1,700	1,700
Number of Active Grants, Contracts, Cooperative Agreements, and Interagency Agreements....	188	150	170
Number of Requests for Criminal Justice Information Answered by NCJRS.....	46,000	66,992	60,000

1/ NIJ announced a number of solicitations for smaller awards, thereby increasing the total number of solicitations.

2/ Copies of privately published articles on research sponsored by NIJ are made available to criminal justice practitioners upon request.

3/ Historically, NIJ has had one deadline per year. In 1994, NIJ switched to 3 deadlines per year therefore applications increased. Due to the associated lag the number of proposals decreased for 1994.

GRANTS: Demonstrations, Training, Technical Assistance - Over the past three years, NIJ has launched a major research initiative to address the problem of gangs and crime. To strengthen law enforcement, NIJ commissioned a number of studies. The first report from the National Assessment

of Law Enforcement Anti-Gang Information Systems provided a description of police assessments of the gang problem and how information is collected on this problem. The final report recommended that police improve record keeping with regard to gangs by focusing on illegal gang behavior rather than just on affiliation to a gang. The impact of gang Migration identified the gangs that have spread from city to city, and documented that large numbers of cities, including small cities, are reporting gang activity, migration patterns, and relationships between gang migrants and their original gangs. Street Gangs and Drug Sales compared gang drug sales with trafficking that did not involve gangs, documented the magnitude of gang involvement in drug sales and violence, the proportion of crack sales to all drugs sold by gangs, and the role of ethnicity in drug marketing choices. The researchers concluded that existing gang involvement in drug sales is not as pervasive as it is perceived to be and that existing specialized gang units should carefully consider the need for their further specialization in narcotics enforcement. Ongoing studies which will be completed in FY 1995 include: Prosecuting Gang Crime which is conducting a nationwide assessment of how gang-related crimes are prosecuted, including legislative strategies that may enhance prosecutions, and a description of innovative methods; Gangs in Correctional Facilities is examining the extent of gangs in correctional institutions, how these facilities manage gang activity and innovative strategies used; The Role of Probation and Parole in Gang Control is examining strategies in supervising gang members in the community, and will document programs aimed at preventing offenders from joining or remaining in a gang.

Basic research on gangs includes three projects which will be completed in 1995. Gangs and Organized Crime examines the connections between youth gangs and organized criminal groups, especially connections to the sale of illegal drugs, weapons and stolen property. Delinquent Networks in Philadelphia examines gang activities in Philadelphia, describing gang structures and factors that bring about individual involvement in gang crime, and the criminal justice response to individual and collective gang crime. Criminal Behavior of Gangs will interview 300 gang members and at-risk youth in three cities to explore motivation to join, remain in or leave gangs, and the role of gang life in criminal behavior patterns.

Other gang related studies funded in 1993 and 1994 include and examination of the law enforcement responses to gang structures, an evaluation of youth gang drug interventions for female adolescents, a study of two approaches to increasing formal responses to gang activity: anti-gang statutes and specialized prosecution units; and a study of the scope and dimensions of gang related crime which is focusing on the quality of information sources used by police, the importance of community characteristics in stimulating or preventing gang activity, and the differences between male and female gangs with regard to types of crime committed. Other recent awards include an evaluation of the G.R.A.T. Program which is funded by the Bureau of Alcohol, Tobacco and Firearms.

VIOLENT CRIME: NIJ continues to support research on violent crime based on the recommendations of the National Academy of Sciences (NAS) panel on the understanding and control of violent behavior. Since 1992, NIJ's violence research agenda has focused on family violence, and has funded 26 studies in this area. Projects expected to be completed during the first two quarters of FY 1995 include several studies of police problem solving and the impact of arrest in domestic violence cases; several studies of victim services, including adjusting attitudes of the incidence of rape, including studies in prisons, and studies of violence against women; a range of research studies on child abuse, and its effects on violent behavior; its relationship to parental substance abuse, and the effectiveness of a variety of criminal justice and social service system responses to child abuse incidents. Other ongoing studies focus on the effectiveness of civil protection orders, and an examination of the corporate sector response to domestic violence. In FY 1995 and 1996, NIJ will commission studies related to the Violence Against Women Act including the setting of a research agenda on domestic violence, and a study of the battered woman's syndrome and its use as evidence in court cases.

COMMUNITY POLICING: Since 1992, NIJ has undertaken a major national initiative to assist state and local agencies in implementing community policing. NIJ is applying its research and evaluation findings to community policing programs and street-level practices across the country.

NIJ has provided funds directly to police departments for community policing activities. For example, the Portland Police Department was awarded a grant to develop and test performance measures related to community policing. The police department will identify, measure, evaluate and integrate a series of indicators of community policing outcomes into assessment models. These will be applicable to the development, implementation, and institutionalization of community policing.

As part of its implementation and dissemination efforts, in August 1993, NIJ hosted a national conference on "Community Policing for Safe Neighborhoods: Partnerships for the 21st Century." The conference brought together over 800 policymakers from State and local governments, police executives, sheriffs, program administrators, representatives from business and professional associations, and community leaders. Over 40 research panels, training workshops, roundtable sessions, and partnership panels with the Departments of Education, Housing and Urban Development, Labor, and Health and Human Services were conducted.

In 1993, NIJ assisted in the development of policy initiatives related to community policing and worked directly with the Department to formulate and articulate the Police Hiring Supplement and the Community Policing component of the Crime Bill. As part of its 1993 plan, NIJ funded research projects that directly assisted police agencies in enhancing their research capabilities involved in community policing. Problem solving was also awarded one grant to an operating community policing program. In 1994, NIJ funded four evaluations of four projects in community policing. Projects funded by the Bureau of Justice Assistance (BJA) also funded the role of community policing in supervision in community policing, the effects of changing demographics on community policing activities, the role of community policing in problem solving in specific problem areas such as domestic violence and youth access to and use of firearms, and an assessment of community policing training in 70 jurisdictions. NIJ also funded a major formative evaluation of the implementation difficulties and outcomes of community policing in the city of Chicago. Researchers will monitor police-citizen beat meetings, observe community policing training, and develop information on police problem solving strategies for crime hot spots using special analyses and mapping techniques. Feedback is provided to the Chicago Police Department as the implementation progresses so that improvements and refinements can occur on an on-going basis. NIJ expects to continue this work at other sites in partnership with the COPS Office implementation of Title I of the Violent Crime Control and Law Enforcement Act of 1994.

CORRECTIONS: In 1994, NIJ redesigned its corrections research agenda to focus on system needs, officer and inmate safety, and innovative criminal justice sanctions. In partnership with the Center for Mental Health Services Administration and the National Institute of Corrections, NIJ is developing a research agenda on inmate mental health, with an emphasis on mental health services in the community for offenders on probation and parole. NIJ is also funding a study to develop ways of measuring success or failure on probation and parole that go beyond measures of recidivism. In 1995, NIJ is planning to develop a research agenda in the area of sentencing.

EVALUATION OF ANTI-DRUG ABUSE ACT PROGRAMS: The Anti-Drug Abuse Act of 1988 first authorized the NIJ to conduct a reasonable number of independent evaluations of the national discretionary and State formula grant programs conducted by the Bureau of Justice Assistance (BJA). Since 1989, NIJ has awarded 111 grants; including evaluations of police crackdowns, community policing, gang prevention and intervention programs, new court practices, sanctions targeted at both casual and persistent drug users, and promising approaches to monitoring and controlling behavior of convicted offenders. Grant awards total \$23 million to date.

Federal, State, and local law enforcement and criminal justice officials have increasingly sought guidance from NIJ for answers in developing and implementing programs to fight drug abuse and crime. Broadly speaking, the evaluations of some projects show indications of success, while evaluations of other projects warn that project assumptions may have been invalid, that critical elements might have been missing, or that project implementation may have been flawed. Project administrators have redirected their programs on the basis of the Institute's evaluations. For example, managers of some boot camps, which offer inmates military-style discipline and activity in lieu of incarceration, have begun to add recommended drug counseling and work skills training to help inmates as they make the transition back to their community. In FY 1995, NIJ will issue a special solicitation to evaluate programs under the Edward Byrne Memorial Program, emphasizing the Comprehensive Communities Program and school based prevention programs among others.

Weed and Seed: In 1992, NIJ began collecting initial implementation process data on 19 current projects and original models to determine how successes, difficulties, problem resolutions and innovations may fully support Operation Weed and Seed. Site visits to collect in-depth data began in September 1993. In 1994, NIJ awarded a grant to develop baseline information for an impact evaluation at six to eight Weed and Seed sites. The evaluation will draw comparisons among a sample of the original sites, the new sites funded in FY 1994, and the sites participating in the National Performance Review (NPR) Weed and Seed Program. The NIJ will continue to reshape and initiate programs to provide useful

information to Weed and Seed Program participants and to assist Weed and Seed sites in the NFR Laboratory Program. In FY 1995, NIJ will issue a special solicitation for this program and allocate up to \$50,000 to conduct the impact evaluation comparing old, new, and NFR sites as well as sites that had funding via sites that had only technical assistance.

Demand Reduction: Maricopa County (Phoenix), Arizona's Demand Reduction Program -- called "Do Drugs, Do Time." -- showed that user accountability programs can be highly visible, highly praised by the public, and strongly supported by the private sector and the media; can allow the length of time to recidivism among those who had contact with the treatment program and can generate significant funds. In the first two years, Maricopa County collected \$39,342 in county jail fees and another \$850,411 in fines for the Arizona Drug Enforcement Fund.

Community-Oriented Policing: Community-oriented policing evaluations in San Diego, California, Tulsa, Oklahoma, Baltimore, Maryland, Flint, Michigan, Houston, Texas, and Newark, New Jersey, have explored how community-oriented policing strategies can best be implemented, the roles that citizens and community organizations play in combating neighborhood drug problems, and means for building police-citizen relationships. San Diego's program showed that patrol officers can implement community-oriented policing successfully with minimal direction from supervisors and on the street staff. Survey data from Baltimore indicate that citizens perceived it was more difficult to buy drugs either in an apartment or in an open area of Oakland where police officers were stationed. And notable declines took place in reported crimes of violence in open communications between police and residents by going door-to-door through the neighborhood. Evaluations are highlighting the need for regular looking for indicators of trouble in neighborhoods and then involving the authority of other city agencies to use civil remedies to solve problems. In 1993 and 1994, NIJ funded a range of studies examining police use of excessive force, first line supervision in a community policing context, and the development of automated tools for screening and hiring police officers.

Boot Camps: An Institute study of shock incarceration in the United States during the period 1989 to 1991 found that the recidivism rate for boot camp graduates is not any greater than that of similar offenders serving longer sentences in prison, implying that boot camps may be a cost effective alternative to prison for some offenders. As a follow-up to the national survey, the Institute is evaluating shock incarceration programs in Florida, Georgia, Illinois, Louisiana, New York, Oklahoma, South Carolina, and Texas. Rehabilitation programming has received increasing emphasis over the years in shock incarceration programs. The extent to which these programs target higher-risk offenders varies from State to State. There is also an increasing focus in shock incarceration programs on addressing factors related to criminality, e.g., level of job skills, incidence of substance abuse) as well as addressing similar factors in after-care programs. The effectiveness of these programs within States is still inconclusive, although a strong after-care component seems to be clearly indicated.

In FY 95, NIJ will issue a special solicitation for studies of new boot camp concepts and evaluations of boot camp programs. This research will support FY 1995 corrections mandates under the Violent Crime Control and Law Enforcement Act of 1994.

Diversion Programs: An Institute evaluation of Los Angeles County's Regimented Inmate Diversion (RID) pilot program, which is a sentencing option for selected defendants who were likely to receive lengthy jail sentences followed by probation, found that program graduates improved their level of education by an average of two years and increased their employment by 50 percent. Offenders who were already employed when they entered the RID Program completed the program successfully at almost three times the rate of those who were unemployed at entry.

Intermediate Sanctions: By the end of 1993, NIJ had completed studies of a variety of intermediate sanctions and correctional programs. An evaluation of Maricopa County's (Phoenix) User Accountability program found that first-time, casual drug offenders who completed a program of drug treatment, drug testing, and fines had lower rearrest rates than those who did not complete or enter the program. In another study, offenders placed in an adult shock incarceration program (boot camp) in Louisiana had fewer arrests, convictions, and revocations than offenders who remained in the State's correctional system. NIJ also supported an assessment of new inmates, although it did not find more technical violations than comparison groups of parolees and probationers. NIJ also supported an assessment of inmates in a correctional program in Georgia that houses drug users in special units and provides structured drug treatment. In 1992, NIJ-sponsored research is examining ways in which probation offices are managing increased caseloads composed largely of drug users and is testing alternative programs

that may improve the effectiveness of drug testing in supervising probationers and parolees. In addition, a comprehensive study in five States is studying alternative strategies to prevent and resolve prison conflicts before they escalate into riots.

Drug Testing: Drug testing has been adopted throughout the criminal justice system to deter offenders from using illegal drugs. While an effective means of achieving this goal, many jurisdictions are financially unable to conduct as many tests as they would like. NIJ recently investigated the effect of drug testing only a fraction of collected urine specimens. Results of this study using an approach developed by NIJ and conducted in coordination with the Illinois Criminal Justice Information Authority showed: (1) partial testing of collected specimens could be done without increasing drug use in the affected populations; and (2) testing none of the collected specimens resulted in increasing drug use observed over the course of the study. NIJ is currently helping local jurisdictions implement this approach.

Controlling Offender Risk in the Community: Although Prison populations are at record levels, the number of offenders currently supervised on the streets through probation or parole or other programs also is at record levels. Finding effective means of assuring public safety is a critical priority to agencies facing expanding caseloads with constrained resources. NJ is currently developing and testing an approach to classifying these populations that will help agencies use existing data from their management information systems to classify and manage their populations. This approach will be field-tested in cooperation with the Florida Department of Probation in 1995 and 1996. Additionally, this program forms the core of an effort by NJ to improve correctional management decision-making through the use of information.

PROGRAM ON HUMAN DEVELOPMENT AND CRIMINAL BEHAVIOR. Basic Research During 1991 and 1992, this program, jointly funded by NIJ and the John D. and Catherine T. MacArthur Foundation, completed the development and pilot work for a comprehensive study of the origins of antisocial behavior, drug use, and criminal activity. This program of research is expected to advance knowledge on the relationship between individual traits, family and school environments, and community characteristics as they contribute to the development of criminal behavior. The planning phase has involved at least 100 scientists from numerous perspectives including biology, psychology, sociology, and criminology. To date, the program has supported a series of workshops and pilot studies, produced two books on methodology and an accelerated longitudinal design, and developed a series of reports for the design of a comprehensive study of the roots of crime. The accelerated longitudinal design, featuring 9 overlapping cohorts, represents a significant advance in research methodology, and will make this knowledge available many years earlier than would be achieved through a conventional longitudinal approach. Preliminary results will be available in three years, when the study will have collected data on subjects at every age from birth to age 31. Completed pilot studies have included a study of the level and impact of further involvement with pre-school children; the development and testing of psychological measures appropriate to the different age groups; the development of a longitudinal design for the study of the development of antisocial behavior; and the development of a study of the utilization of services among adolescents and their parents. In 1991 and 1994 NIJ committed \$1 million to begin the study, and the MacArthur Foundation committed \$1 million to complete the study. In 1993 and 1994 NIJ committed \$1 million to begin the training and data collection for the initiation of both the community and individual cohort aspects of the study in one site. NIJ has a standing commitment for matching funds for this study from the John D. and Catherine T. MacArthur Foundation.

FORENSIC SCIENCES AND CRIMINAL JUSTICE TECHNOLOGY. NIJ forensic sciences research focuses on improving the analysis of evidence for the identification of suspects. Among these projects are DNA typing techniques that examine blood, hair, semen, bone and various body fluid samples; improved fingerprint and trace evidence detection technologies; and the preparation and publication of specialized guides to assist crime laboratories in maintaining high evidentiary analysis standards. NIJ sponsored a National Academy of Sciences (NAS) review of DNA research that found DNA is a reliable test for identifying suspects and is supporting an NAS update of the DNA forensic sciences. Since 1991, NIJ has supported standards for DNA procedures using two standard testing methods - restricted fragment length polymorphism (RFLP) which is the most commonly used method, and the newer polymerase chain reaction (PCR). NIJ has continued to support development of standards for PCR (which has the potential to yield highly accurate results in a fraction of the time required by RFLP and eliminates the need for handling hazardous radioactive materials). The RFLP standards development project was recognised by the prestigious *TOP MAGAZINE* as one of the 100 best research and development accomplishments for 1993. NIJ has also been conducting research on environmental factors that adversely affect DNA samples and the effects of heat and moisture on the stability of DNA. NIJ is also supporting research on developing a portable one-step cyanoacrylate fingerprint detection technology, which revolutionizes fingerprinting. A new device, roughly the size of an ordinary cyanacrylate, developed in

1993 under an NIJ grant, develops prints in a matter of seconds, on site, in a single step. This device which is on the market costs \$150 and requires virtually no training. The previous method required a lengthy two step process and frequently also included the removal of major fixtures such as bathtubs or large windows to the laboratory. NIJ is also developing affordable, efficient, and versatile chemical reagents to apply to latent fingerprints to greatly ease the lifting of prints from a variety of surfaces. NIJ is producing a comprehensive series of computer-based (CO-ROM) sourcebooks on firearms evidence, fingerprint development and identification, serology analysis, and trace evidence analysis. These sourcebooks will serve as critical reference documents for law enforcement agencies. NIJ is also developing a comprehensive development of electrochemical sensor technologies, which will allow the rapid detection of the presence of carbon monoxide and cyanide in adulterated foodstuffs and drugs. Other projects include efforts to improve the detection of trace evidence, fluorescent spray labeling techniques to detect the presence of gunshot residues and the analysis of residue patterns to improve detection of newer types of ammunition.

LESS-THAN-LETHAL WEAPONS (LTL): A New Technology for Police and Corrections: the objective of this program is to develop use-of-force alternative devices that do not cause significant harm but quickly incapacitate those who would harm others. In 1993 and 1994, the program continued to focus on the practical needs of the user community. State and local law enforcement and corrections departments, and other users are essential components of the LTL technology team. To ensure that policy and human factors issues are properly addressed in the collection and analysis of background data on use of force by law enforcement personnel, and to ensure that these issues are properly represented in considering LTL technology development, social scientists and criminal justice researchers are also included as part of the LTL team.

On April 20, 1994, the Attorney General and the Secretary of Defense signed a memorandum of understanding supporting the identification of military and intelligence community technologies with dual-use promise for law enforcement. Liaison offices have been established in both the Department of Defense and the Community Management Staff to assist in efforts to transfer technologies to law enforcement. NIJ has charged with the development of technology for intelligence gathering and the safeguarding of nuclear materials. As a result of these efforts, NIJ has developed several prototype technologies, including: a rear seat airbag to safely subdue violent arrestees in the back seats of patrol cars; a prototype device to safely deflate the tires of a fleeing vehicle; a bread-board version of a velocity adjusting weapon that will allow plastic bullets to be fired safely and effectively at any range; and a device to project a thin stream of non-toxic sticky foam (developed as part of the nuclear security program) at a distance of 30 to 50 feet, gluing an uncooperative suspect's legs and feet to the ground. Under development are "dazzling" and disorienting light systems, methods to stop fleeing vehicles electronically, and a device that will allow a fleeing vehicle to be marked safely so that it can be tracked without a high-speed pursuit. In 1992, in California alone, 7,000 high-speed pursuits resulted in more than 1,200 injuries, 15 percent to innocent bystanders and 14 percent to law officers. NIJ is also developing a "safe" gun which can be fired only by an authorized user. The safe gun technology will address the problem of officers being killed with their own weapon, and also may reduce the incidents of children killed in firearms accidents. Projects to be undertaken in 1995 will include an examination of three technologies to identify concealed weapons and vital signs technology for monitoring officers and prisoners.

RESEARCH ON POLICE USE OF FORCE: NIJ has conducted research to determine the nature, extent, and means to control the use of force by the Nation's law enforcement agencies. A recently completed survey by the Police Foundation was conducted to examine how police use force. The survey found that 98 percent of police agencies reported that they use force, but 12 percent of police agencies reported that they use force all the time. The survey also found that 98 percent of police agencies require all shooting incidents to be reported by police officers or 12 percent of police agencies require all shooting incidents to be reported by police officers, dogs, and so forth. Rates under mandatory reporting for citizens killed, wounded or shot at are under 9 incidents per 1000 officers for all types of agencies, ranging from 9.8 for county police to 2.6 for state police. The study differentiated "routine" use of force as reported by law enforcement agencies from excessive force as reported through civilian complaints to law enforcement agencies.

NIJ received data on the number of citizen complaints of excessive force in 1991 from 840 agencies. A total of 15,608 civilian complaints were reported. Eighty nine percent of these occurred in municipal agencies. Excessive force rates were highest for municipal agencies at 83

incidents per 1000 officers, and lowest for state police agencies at 16 incidents per 1000 officers. Based on this data African American citizens made proportionately more complaints against all agencies than their representation in the population, except in cities where they are roughly equally represented. Sustained complaints by race are distributed approximately the same proportions as those filed in the case of state and sheriff's agencies, but are widely disparate by race for city and county police.

A demonstration project in the Los Angeles Police Department will develop strategic processes to: 1) facilitate discussion between community leaders and police to understand community attitudes; 2) establish local Police Advisory Councils; and 3) train community leaders and police to solve problems together. Findings from this effort will be available in mid 1995.

DRUG TESTING: NIJ's drug testing activities focus on three topics: the possible uses of drug testing by criminal justice agencies; the development and evaluation of testing technologies; and drug testing's value as a basic system for indicating levels of drug use. To carry out the first drug testing objective, a study requested by Congress is underway which uses econometric modeling to examine the implications of different approaches for increasing drug testing of arrestees and corrections populations. Another study examines a program that offers first-time offenders the opportunity to participate in drug treatment programs in lieu of incarceration to determine whether these programs will reduce casual drug use. Two other studies examine the effects of drug testing with young and adult offenders. NIJ is also sponsoring research directed at the uses and effectiveness of drug testing in corrections. Finally, recent work on drug testing for intensive supervision programs found that technology appeared to have moved faster than some agencies' ability to use the information effectively.

NIJ is sponsoring a cross-site comparison of pretrial drug testing programs, focusing on whether drug testing information is useful in predicting pretrial misconduct. NIJ has also funded projects to test the accuracy and reliability of urine screening commonly used to detect illegal drugs in criminal justice settings. The evaluation found that urinalysis technologies were likely to result in false negative results about 20 percent of the time, but they rarely led to false positive results.

DRUG USE FORECASTING PROGRAM: NIJ's Drug Use Forecasting Program uses both drug test results (through urinalysis) and self-report interview information to track the levels and types of drugs used by booked arrestees in 24 urban centers throughout the country. NIJ analyzes the data and publishes quarterly and annual reports. Local DUF jurisdictions use the findings to plan and implement drug prevention, enforcement, and treatment programs. For example, DUF results led to the establishment of pretrial drug testing programs in New Orleans and Chicago; DUF findings in Chicago and Portland, Oregon, stimulated State-funded DUF replications in suburban and rural counties. DUF data are also widely used at the Federal level to obtain a more complete picture of total drug consumption patterns in the U.S. DUF findings were a major information source for the Office of National Drug Control Policy (ONDCP) commissioned paper on heavy cocaine use and for the ONDCP Technical Report, *What America's Users Spend on Illegal Drugs*. NIJ coordinates the program with the National Institute on Drug Abuse, DEA, State and local criminal justice agencies and professional organizations in the field. NIJ has pioneered hair analysis as a less intrusive, more accurate means of detecting illegal drug use. Because hair can be collected using hair samples, it may be a cost-effective means for monitoring offenders on probation and parole. NIJ funded a demonstration project on the use of hair analysis to monitor drug use for offenders on probation and parole in late 1992. Findings will be available in late FY 1995.

In 1993 and 1994 NIJ developed two addenda to the DUF interviews, one on heroin use and the other on gun ownership and use. NIJ's 1995-96 Research Plan will announce the availability of funds to examine drug use issues using the DUF program as a research platform to explore important issues including drug market analysis, drug treatment history of arrestees, and the relationship between drug acquisition and other criminal activities.

DRUG PREVENTION PROGRAM: This program supports a broad spectrum of research directed toward reducing illegal drug use and the crime associated with such use. Efforts supported over the past three years have included a major analysis and assessment of drug treatment programs at different points in the criminal justice system, research on innovative sanctions for drug-related offenses such as suspension of drivers' licenses, and examination of arrestee urinalysis results to forecast community drug problems. Studies were also funded on criminal justice drug treatment programs for female offenders and the impact of State and local drug laws on both drug abuse and related crime. Completed research on

multi-indicator methods for estimating the number of individuals using different types of drugs at the State and local level served as the basis for a joint NIJ-NIDA conference on prevalence estimation techniques.

The demonstration program in this priority area, School Management and Resource Teams (SMART), which is jointly funded by NIJ and the Department of Education, focuses on establishing safe, drug-free schools. SMART analyzes school district policies regarding drugs, crime, discipline, and safety. With the help of automated incident profiles, SMART uses resource teams to design and implement prevention and intervention strategies. Another joint NIJ/Department of Education project addresses computer crime prevention. This project develops a model policy for technology ethics to be taught in school curriculum.

In 1993, a study of substance abuse prevention programs for high risk, urban youth profiled seven promising programs, all of which included substance abuse as one element in a comprehensive array of services and activities.

NIJ and NIDA are supporting a joint research demonstration on AIDS/HIV Education in Lockups and Booking Facilities, targeted at providing prevention education and referral to drug treatment to drug-involved arrestees who are held briefly in booking facilities and then released back into the community until trial. Initial findings of the multi-site, three-year project are available. These findings include: 1) the entire study population seemed to develop lower risk behavior; 2) in Washington, D.C., case management was associated with reductions in self-reports of heavy-drug use and in self report of criminal activity; and 3) in Portland, Oregon, case management was associated with reductions in self-reported heavy drug use. Case management, as practiced in Washington, D.C., and Portland, Oregon, promoted desirable social behaviors and reduced unhealthy ones for individuals caught up in the criminal justice system in those two cities.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN: NIJ is conducting research on crime prevention through environmental design to determine the effectiveness of this sort of comprehensive attack on neighborhood problems and enhancement of community security. Three research projects were funded under this initiative in 1991. One project identifies early indicators that a neighborhood is beginning to suffer the decay that ultimately leads to crime and social disorganization. It also identifies and examines examples where communities have been able to act promptly to arrest and reverse the process of decay. The products of this research will assist public officials to determine what communities may be in danger of decay and what they can do to prevent it. Another project provided a model for crime prevention through environmental design that has not been written about and included in available data bases. The examples may be from either the public or private sectors. The third project, completed by the American Institute of Architects, sponsored a national conference, Secure and Livable Communities: Crime Prevention through Environmental Design. This conference brought together 300 housing, security, police, and building industry (designers, engineers, contractors, developers, owners, regulators, security consultants, etc.) professionals to discuss crime prevention and safety in the physical environment. In 1994, findings from these projects were being used to plan and carry out technical assistance efforts to local jurisdictions.

VICTIMS OF CRIME: The NIJ Victims program examines the consequences of victimization for individuals, households, businesses, and communities; explores issues related to victim needs; and develops and evaluates services provided to victims of crime. Recently completed studies include the following: a recent study examined the relationship between the routine activities of adolescents and their risk of assault or robbery victimization and concluded that youths who engage in delinquent activities also experience the most victimization; an intramural study of personal criminal fraud found that 60 percent of respondents reported one or more attempts of such fraud within their lifetime, and 30 percent reported such attempts within the past year. About half of these attempts were successful. The estimated annual dollar loss from personal criminal fraud exceeds \$40 billion. Another intramural study on residential burglary found that burglars operating in low-income neighborhoods were more likely to persist and overcome resistance to entry than they were in other, higher income neighborhoods, where attempts were abandoned more often. This research has implications for the design of houses and neighborhoods. In addition, a study of the victimization of minority women included an exploration of the factors that influence the utilization of victim assistance programs by low-income and minority victims and developing strategies to improve victim services to these clients. NIJ is also studying victimization of businesses including a study of employee/owner experiences in convenience store robberies and a study examining the influence of crime on business relocation decisions.

PROSECUTION AND ADJUDICATION: NIJ continues to sponsor research to address the needs of both prosecutors and court officials. Recently completed studies include a field experiment in Phoenix in which police and prosecutors cooperated to identify career offenders who were still on the street and collaborated to strengthen the cases against these offenders following arrest. The study found that this approach resulted in longer prison terms for these serious offenders, with targeted offenders' prison terms averaging 18 months longer than those of the offenders in the control group. NIJ has also commissioned a number of studies that address the prosecution of complex drug cases. These studies will address the following questions: Which cases exceed the resource capacities of state and local prosecutors and require federal prosecution? What strategies help prosecutors and the courts to identify, prosecute and sentence drug offenders involved in complex cases? What kinds of sentences are appropriate for these offenders? A recently completed analysis of local prosecutors' responses to heavy drug caseloads found that, in the face of huge increases in the number of felony drug arrests, the rates of felony convictions and prison incarceration increased (the opposite of what had occurred two decades ago when street crime increased but prison population went down). Between 1982 and 1987, in four jurisdictions studied, the chances of a defendant arrested on a felony drug charge ending up in prison roughly doubled. In addition, the prosecutive prosecutors instituted comprehensive, multi-agency strategies, including education and prevention efforts. NIJ also is studying the prosecution of environmental crime in order to develop improved policies, procedures, and management practices for these cases in selected jurisdictions.

WHITE COLLAR AND ORGANIZED CRIME: NIJ has developed special research programs to improve the prevention, detection, and control of various white collar crimes. A study of savings and loan frauds is assessing the conditions that facilitate these crimes and identifying useful regulatory and law enforcement strategies for controlling them. With the cooperation of the Securities Exchange Commission, NIJ is sponsoring a study of securities fraud, which will increase our understanding of these crimes and enhance prevention and control strategies. Studies of organized crime have focused on the use of a RICO trusteeship with local labor unions to control organized crime involvement in labor relations; the special characteristics of Asian organized crime groups; and the structure and operations of other organized criminal networks. The focus of this work is to develop more effective legislative, regulatory, and criminal justice strategies to control these illegal enterprises. A recently funded study on health care fraud is examining the opportunities for fraud as the health care industry shifts to electronic claims processing. The project will include case studies of five health insurance programs.

RESEARCH APPLICATIONS PROGRAM (RAP): This program supports applied research projects designed to help policymakers and criminal justice professionals incorporate research findings in their own operations and to examine emerging problems and practices in areas where little or no prior research or experience exists. Research application topics cover all aspects of the criminal justice system, and researchers and practitioners from a wide range of disciplines are invited to submit project proposals. Projects are selected on the basis of their potential to contribute to the field of criminal justice. Recent projects include: the use of civil asset forfeiture in achieving criminal justice and neighborhood safety goals; two reports developed in conjunction with the Centers for Disease Control and Prevention on HIV/AIDS in correctional facilities and tuberculosis in correctional facilities; case studies on the Miami Drug Court, a Milwaukee day reporting center for mentally ill offenders, and on the Tampa Police Department's efforts to close street drug markets; a report on prosecutors' responses to heavy drug caseloads and another on automating major operations in the prosecutor's office. Work is concluding on reports on a review of school, community, and media-based violence prevention programs for youth, and on the ways in which agencies and courts are responding to probation and parole violators. Work is being initiated on containing the costs of correctional health care, the response of law enforcement agencies to environmental crime, special programming for female offenders, and an update on the burgeoning use of day reporting centers for different types of criminal offenders.

DATA RESOURCES PROGRAM: NIJ's Data Resources Program prepares and documents criminal justice data produced by NIJ-sponsored researchers. The prepared data and documentation are deposited with the National Archive of Criminal Justice Data (NACJD) operated by the Inter-University Consortium for Political and Social Research. Researchers routinely access these data files to validate reported findings, investigate issues of importance to criminal justice policy and practice, and compare results from alternative studies. During 1993-94, more than thirty data sets were added to NIJ's collection at NACJD. In addition, 59 data sets on violence and violent crime were made available on CD-ROM to the research community for secondary analysis.

PROFESSIONAL CONFERENCE SERIES: This NIJ program sponsors national conferences, regional workshops, and other types of workshops and meetings related to the development and dissemination of criminal justice research and evaluation information. During 1993-94 NIJ sponsored four national conferences for a total of 2500 attendees on Evaluation of Drug and Crime Control Initiatives, on Community Policing for Safe Neighborhoods, on Drug Courts, and on Solving Youth Violence, an interagency and interdepartmental effort co-sponsored by other OJP agencies including BJA and OJJDP, and by the Departments of Health and Human Services and Education. Two Drug Use Forecasting (DUF) workshops were held for 75 site personnel. Two workshops on Intermediate Sanctions drew 150 attendees, and 200 persons attended three workshops on the Impact on Criminal Justice of the Americans with Disabilities Act. In 1995, NIJ will sponsor a major conference on Program Evaluation and will co-sponsor a conference on gangs with BJA and OJJDP. In addition, six special workshops, and four strategic planning meetings to develop evaluation solicitations for programs funded under the Violent Crime Control and Law Enforcement Act of 1994 are planned.

NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE (NCJRS): The Institute operates NCJRS, the largest national and international information center on criminal justice policy and issues. During 1994, NCJRS responded to over 66,000 requests for information, added over 5,500 documents to its criminal justice database, and distributed over 3,300,000 publications on behalf of the OJP bureaus. The NCJRS electronic bulletin board has approximately 4,500 registered domestic and international users and 300 to 400 of these users call in at least once per month. There are 101 International Document Exchange Partners representing 49 countries that provide NCJRS with foreign criminological information. NIJ also generated \$286,000 operating the Fee-for-Service program. These monies are used to offset operating expenses. In 1994, the entire NCJRS database was made available to users on CD-ROM. In FY 1995, NIJ will introduce NCJRS ON-LINE to enable criminal justice practitioners to access the NCJRS database directly through the Internet.

Partners Against Violence Network (PAVNET): PAVNET is a new initiative that reflects the level of Federal cooperation and commitment needed to help build safer, less violent communities. Through a coalition, NIJ and the Department of Justice in collaboration with the Departments of Agriculture, Education, Labor, Health and Human Services, and Housing and Urban Development have integrated information concerning the wide range of programs throughout the country working to reduce and prevent violence. PAVNET involves an on-line search and retrieval system which contains information on promising programs, information sources regarding those programs, and technical assistance and funding sources. A two volume printed directory is also available of the 600 programs, 200 information and technical assistance sources and about 125 funding sources on-line in the PAVNET data base. The PAVNET network includes more than 30 Federal clearinghouses and resource centers. A pilot project is linking four clearinghouses via a phone system called "Attendant Transfer" so that callers can be easily transferred to appropriate clearinghouse specialists to obtain the information they are seeking.

CONSTRUCTION INFORMATION EXCHANGE: Since 1985, NIJ has provided assistance to State and local authorities by providing practical, cost-oriented information on efficient methods to increase the capacity of corrections facilities. The Construction Information Exchange offers easy access to the latest concepts and techniques for planning, financing, and constructing new prisons and jails through the Construction Data Base, *The Directory of Corrections Construction, and Construction Bulletins*. The data base is an ongoing effort that offers detailed information on jail and prison construction projects as they are completed and become operational. Through recent enhancements, it now features more than 400 types of information on each project ranging from construction costs, financing methods, and electronic technologies to staffing levels, cell capacity, and operational costs. *The Directory of Corrections Construction* (1993) Supplement was published in July 1993, and offers two-page profiles on 446 prison and jail projects completed or under construction since 1985. The Directory also features a set of cost indices that can be used to make comparisons between construction costs in different facilities. The cost indices are divided into three categories: Construction, Construction Bulletin, and other new titles in the Bulletin series include "Project Delivery Options" and "Construction Options: A California Case Study." In 1995, NIJ plans to expand this service to support programs under title II of the Violent Crime Control and Law Enforcement Act of 1994.

PUBLICATIONS: NIJ's publications program produces up to 60 new documents each year. Recent publications include reports dealing with street gangs, domestic violence and child abuse, prosecution of environmental crime, and intermediate sanctions, including intensive supervision probation and parole. Recent titles include: *Weapon-Related Victimization in Selected Inner City High School Samples*; *Building the Peace*; *Managing Mentally Ill Offenders in the Community*; *Street Gang Crime in Chicago*; *The Role of Police Psychology in Controlling Excessive Force*;

The New Policing: Confronting Complexity; The Americans With Disabilities Act and Criminal Justice; The Growing Use of Jail Bootcamps; and Assessing the Impact of Dade County's Felony Drug Court.

TECHNICAL ASSISTANCE: NIJ has continued to sponsor capacity building conferencing events on priority topics such as Intermediate Punishments as Sentencing Options and Private Sector Prison Industries. Regional workshops on Drug Testing in the Criminal Justice System and on Private Sector Jail Industries have also been supported with NIJ funds. In 1993, NIJ established a program to provide on-site technical assistance to State Criminal Justice Agencies to develop sustainable evaluation capacity. NIJ is providing support to four States for this program.

	1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease	
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY
Activity: Criminal Justice Statistical Programs.....	\$21,379	...	...	\$22,020	...	...	\$22,020	...	...
LONG-RANGE GOAL: To assist policy and decision-makers at the Federal, State, and local levels of government by providing for the collection, analysis, publication, and dissemination of comprehensive and accurate statistical information concerning crime and the operation of this Nation's justice systems.											

MAJOR OBJECTIVES:

To collect, analyze, publish, and disseminate statistical information on crime and the operation of justice systems to the President, Congress, the Department, State and local executives and officials, the media, and the public.

To maintain and develop an analytic program which will address the implications of national justice statistics for Administration and Departmental policy and legislative initiatives.

To recommend national and international standards for justice statistics and to ensure the interstate comparability, reliability, and validity of justice statistics.

To conduct, support, and implement recommendations to improve the quality of justice statistics, records, and information systems.

To encourage the development, maintenance, and utilization of State and local governmental organizations and facilities responsible for the collection and analysis of justice data and statistics.

To ensure compliance with requirements relating to confidentiality and security of data.

To assist users of BJS data in understanding statistics and methodologies, as well as interpreting published data.

BASE PROGRAM DESCRIPTION: The Bureau of Justice Statistics (BJS) is an independent and objective national center that provides basic information on crime and the operation of the justice system to the President, Congress, the Judiciary, State and local governments, the general public, and the media. Additionally, BJS supports the developing capacity of State and local governments to use data as a cornerstone of their criminal justice programs. BJS maintains more than two dozen major data collection series and publishes a wide variety of reports annually which receive nationwide distribution. Core statistical efforts include annual data on criminal victimization, populations under correctional supervision, federal criminal offenders, federal case processing, and criminal justice expenditures and employment. Periodic data series are

undertaken to provide statistical information on felony convictions, pretrial release practices, the composition and characteristics of correctional populations, prosecutorial practices and policies, and the administration of law enforcement agencies and correctional facilities. The National Crime Victimization Survey (NCVS), the largest BJS series, is one of two Justice Department measures of crime in the United States. It complements what is known about crime from the FBI's annual compilation of information reported to law enforcement agencies. The survey, which also counts incidents not reported to the police, provides a detailed picture of crime incidents, victims, and trends from the victim's perspective. During a collection year, a nationally representative sample of more than 100,000 persons residing in about 43,000 households is interviewed by representatives of the Bureau of the Census in order to obtain data on the impact, frequency, and consequences of criminal victimization in the United States. The NCVS represents the only statistical program designed to collect information on crime directly from the victims of crime and has stimulated similar victimization surveys in 32 foreign countries. The survey covers all types of crimes, including the United Nations. The survey publication program includes yearly, triennial, and quinquennial reports on the Nation's households and special reports on topical issues such as young black male victims, elderly victims, the geographical distribution of crime, handgun crime victims, and the impact of particular crimes (e.g., domestic violence).

The BJS corrections statistics program provides systematic information on correctional populations and facilities gathered from Federal, State, and local governments, and covers the major sub-units of the corrections system -- probation, jails, prisons, and parole. The overall program consists of the following components: (1) annual counts and characteristics of persons entering or exiting probation and parole; (2) annual and mid-year counts of incarcerated persons in State and Federal prisons and local jails; (3) annual statistics on persons admitted or released from State and Federal prisons and on persons released from parole supervision; (4) annual counts and characteristics of persons sentenced to death; (5) quinquennial surveys of national samples of prison and jail inmates and adult probationers; (6) censuses of State and local correctional facilities and parole and probation agencies; and (7) followups of persons discharged from a correctional status in order to evaluate post-release outcomes.

The Bureau's prosecution and adjudication statistical program provides researchers and policymaking officials with representative statistics on felony prosecution, criminal defense, and felony court caseload. A major part of the adjudication statistical series is the National Judicial Reporting Program (NJRP). This program provides national data on judicial sentencing practices for persons convicted of a felony in State trial courts, including the number and characteristics of convicted felons, the crimes for which they have been convicted, and the range of sentences they receive. BJS also sponsors biennial surveys of prosecutors' offices in order to examine the practices and policies of prosecutive and prosecutorial decision-making and the types of services provided by such offices. In addition, the survey of civil disputes and torts was conducted among courts in the nation's 75 largest jurisdictions, in order to determine the size and composition of such caseloads.

The BJS law enforcement and pretrial statistical program provides nationally representative data on the more than 17,000 law enforcement agencies in the United States and collects data relating to the pretrial status of persons charged with felonies. Under the Law Enforcement Management and Administration Statistics (LEMAS) program, all State police departments and a stratified sample of local agencies are surveyed every 3 years. Data collected include: the number and characteristics of personnel; salary levels; education and training requirements; expenditures; number and types of vehicles; types of special units; and agency policies. The National Pretrial Reporting Program (NPRP) gathers pretrial-related information on arrest offense, prior criminal record, type of pretrial release, failure to appear in court, rearrests while on pretrial release, disposition, and sentencing. These data are currently being collected from a representative sample of the 75 largest counties in the United States, which account for approximately half the Nation's crime.

The BJS Federal Statistics program collects and analyzes data describing the prosecution, adjudication, sentencing, and correctional status of Federal offenders. The data, which are collected from the Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, Bureau of Prisons, and the U.S. Sentencing Commission, are linked to a common database that permits the analysis of offenders as they progress through the system. A variety of reports are produced annually covering the number of suspects investigated, the number of cases and types of cases prosecuted in Federal district courts, the number of persons convicted and the sentences they received, and the size and composition of the

Federal prison population. Special reports are also released covering topical areas of Federal criminal justice including drug prosecution and sentencing, disparities in Federal sentencing among population subgroup, and Federal prosecution of criminal enterprises.

BJS provides technical and financial support to State statistical and operating agencies responsible for a wide variety of statistical activities in their own State. The State Statistical Analysis Centers (SSACs) analyze and disseminate statistical information, coordinate State criminal justice statistical activities among State, county, and city agencies, and provide improved State data for BJS analyses. They also assist the executive and legislative branches in each State to assess the likely consequences of new legislation on the operations and resources of the criminal justice system. Through Federal funding over the years, BJS has created SSACs in every State, the District of Columbia, and three Territories; presently, there are 48 active SSACs.

BJS supports the improvement and promotes the sharing of State criminal history records and information nationwide. The BJS Justice Information Policy Assistance Program supports surveys, studies, conferences, and technical assistance on issues relating to data quality, improvement of criminal justice records, and issues of security and confidentiality of criminal records.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated accomplishments of BJS are presented in the following table:

Item	1993	1994	1995 Estimate
Major statistical series perennially maintained.....	8	9	9
Major statistical series intermittently maintained.....	5	4	5
Other special data collections.....	0	0	1
Statistical and related reports prepared for BJS by grantees and contractors and published by BJS.....	5	15	10
State statistical projects supported (grants/cooperative agreements).....	53	58	58
Number of calls to BJS-sponsored computerized bulletin boards.....	11,750	17,674	20,000
Number of data sets and documentation disseminated by criminal justice data archives.....	1,900	2,000	2,100
Number of statistical reports disseminated by BJS Clearinghouse and Drugs and Crime Data Center and Clearinghouse (in thousands).....	1,387	978*	974*
Number of telephone requests for data and reports filled by the BJS Clearinghouses and Drugs and Crime Data Center and Clearinghouse.....	20,521	24,441	25,000
			26,000

* Note: The actual and estimated reduction in statistical reports disseminated is attributable to the decrease of bulk mailings of reports and an increase in use of electronic dissemination mechanisms. BJS reports are available through various Bulletin Board Systems and Internet. BJS distributes many of its publications through mass faxing, as well as "fax on demand," an automated fax delivery system.

During 1994, BJS issued 17 press releases and published 71 reports, detailed analytic volumes, data releases, and users' guides. Additionally, BJS staff prepared and presented over 30 speeches, presentations, and articles for professional and academic journals. Nearly one million statistical reports were disseminated by BJS in 1994. Many BJS Bulletins and Special Reports are accompanied by press releases or put directly on the newswire and are given prominent coverage in the Nation's leading news media. BJS reports are frequently discussed in the editorial pages of major newspapers. In 1994, BJS began an important new publication series, Crime Data Briefs, which are designed to present facts about topics of interest in a convenient digest form. To date BJS has released seven data briefs on topics covering costs to victims of crime, carjacking, crime and neighborhoods, child rape victims, guns and crime, and young black male victims.

NATIONAL VICTIMIZATION STATISTICS. In 1994, BJS completed its redesign of the National Crime Victimization Survey (NCVS). The new methodology was systematically field tested and introduced starting in 1989 and its results were published for the first time in the fall of 1994. According to the first data from the redesigned NCVS, there were approximately 44 million personal and household crimes reported by victims during 1993. Violent crime victimizations continued a 7-year increase, principally because of a rise in assaults, while property offense victimizations continued a 15-year decline.

Among the most important changes to the questionnaire were: additional cues to help survey participants recall incidents; more direct questions on rape, sexual assault, and child abuse; and new probes to assist victims in identifying incidents by nonstrangers including domestic violence. The redesign of the survey also changed the way that victims are selected for interviews. For example, the survey changes have substantially increased the number of reported aggravated and simple assaults reported to interviewers. For the first time, other victimizations, such as nonrape sexual assault and unwanted or coerced sexual contact that involves threat or attempt to harm, are also being measured.

BJS, in collaboration with the Administration for Children and Families of the Department of Health and Human Services and the Consumer Product Safety Commission (CPSC), is conducting a study using the CPSC's national sample of hospital emergency rooms to obtain information on intentional injuries, such as domestic violence, rape, and child abuse, that require emergency room treatment. This represents a major new area for data collection and is designed to supplement existing NCVS statistical information.

Publications recently released reporting data on victimization include:

- *Young Black Male Victims--BJS Crime Data Brief* reports the extent and characteristics of victimization for black males ages 12 to 24, such as weapon use, injury, and offender characteristics, and summarizes data about the reporting of crimes to the police by this age group.
- *Violence between Intimates: Domestic Violence* presents selected findings examining murders, rapes, robberies, and assaults committed by spouses, ex-spouses, boyfriends, or girlfriends. It uses data from the NCVS, the BJS survey of murder cases disposed in large urban counties in 1988, and the FBI Supplemental Homicide Report from the Uniform Crime Reports program. Data on violent offenders were collected in the 1991 survey of State Prison inmates and the 1989 Survey of Jail inmates. The findings show that females experienced more than 10 times as many incidents of violence committed by an intimate than did males--572,000 versus 49,000.
- *Violence and Theft in the Workplace--BJS Crime Data Brief* is the first NCVS report to profile crime victims at work. It provides data on the extent to which workplace violence occurs, whether offenders are armed and whether they are strangers or nonstrangers, and the extent of injury and time lost from work resulting from these crimes.
- *Child Rape Victims, 1992--BJS Crime Data Brief* provides information on the ages of female rape victims. BJS obtained the data from States that currently compile such detailed victim information. The data pertain to rapes reported to police in 1992.
- *Crime and Neighborhoods--BJS Crime Data Brief* uses data from a variety of sources to compare victimization levels and perceptions of neighborhood crime for the Nation's households. It also compares racial and residential subgroups in the population over a number of years.
- *Guns and Crime: Handgun Victimization, Firearm Self-Defense, and Firearm Theft--BJS Crime Data Brief* provides new estimates of the extent of handgun crime in the United States, as well as the first estimates from the NCVS of thefts of firearms and the extent of firearm use for self-defense. Using data from 1987 through 1992, the report compares the handgun victimization experience of the various age, race, and sex subgroups of the Nation's population and examines the consequences of such victimization. The report also discusses the consequences and outcomes of crimes in which victims used firearms for self-defense.

- *Elderly Crime Victims* -- Selected Findings uses data from the NCVS to summarize levels and rates of violent and non-violent crimes against persons 65 or older. These crimes include rape, robbery, assault, burglary, household burglary, motor vehicle theft, and murder. It includes 1973-92 trends and rates of victimization, self-protective measures by victims, victim injury and treatment status, versus nonstranger crimes, place of occurrence, and victims' income, marital status, and urban, rural, or suburban residence. Crime rates for the elderly are compared with those of other age groups by race and sex.

- *Violent Crime--Selected Findings* summarizes 1973-92 trends in rape, robbery, and assault from the NCVS; homicide data from Vital Statistics of the United States; National Center for Health Statistics; and 1992 murder data from the FBI Uniform Crime Reports. It points out the increasing victimization rates for ages 12 to 24 and summarizes patterns of weapon use, injury, hospitalization, self-protection by victims, economic costs, offender characteristics, reporting to police, and differing rates of victimization by sex and race.

NATIONAL CORRECTIONS STATISTICS. BJS is currently conducting the first National Survey of Adult Probationers representative of 2.5 million adults. A sample of approximately 160 sites is being selected from the recently completed Census of Probation and Parole Agencies which provides the first full description of the Nation's community supervision agencies. Data will be collected from nearly 7,000 records checks and 2,500 personal interviews. The survey, to be completed by May 1995, will meet urgent needs for guiding national policies providing for the first time a thorough understanding of the backgrounds of offenders receiving the least severe criminal sanction, estimates of probationers' level of drug and alcohol use, for violent offenders, a profile of victims, measurement of the amount of drug treatment available and used, examination of the effects of early application of probation on recidivism and on seriousness of crimes, and a description of how probation is applied with other sentence elements like incarceration, fines, and program participation.

BJS is conducting the 1995 Survey of Jail Inmates which relies on personal interviews with a nationally representative sample of nearly 6,500 inmates. A subset of interviews will be the first BJS survey administered with laptop computers, and the survey will include information on inmates who have been arrested, sentenced to jail, and sentenced to prison, and those sentenced to prison and awaiting transfer. The survey will provide a current understanding of the criminal histories and patterns of alcohol and drug abuse of the offenders who are incarcerated.

During 1994, BJS undertook two major studies of offenders confined in prisons. The first, a survey of state and federal prisoners jointly sponsored with the National Center for Education Statistics, was conducted in order to ascertain the literacy skill levels of incarcerated adults. The study quantified the low level of proficiencies associated with literacy among prisoners. However, when educational attainment and sociodemographic characteristics are taken into account, prisoners perform as well or better than similar persons in the general population. The second study entailed companion surveys that compared the U.S. prison population with prisoners confined in England and Wales. For more than half the prisoners in each country, a prior record of adult custody was found. Prisoners in England and Wales were about as likely as American prisoners to be serving time for violence, but prisoners in the U.S. were about 3 times as likely to have been convicted of a drug offense.

Findings from the 1993 Census of Jails will soon be released in the Bulletin, *Jail Inmates, 1993-94*, which presents for each State and the District of Columbia the number of inmates, the incarceration rates, rated capacity, and percent of capacity occupied on June 30, 1993. The report also summarizes data on the number of jail employees, demographic characteristics of the staff, inmate-to-staff ratios, and changes since 1983 in these measures. Information from the Annual Survey of Jails, 1994, provides the latest estimates of the Nation's jail population.

Drawing on data from the Census of Probation and Parole Agencies, the Census of Jails, the Census of State and Federal Prisons, and other BJS data sets, the BJS Special Report, *Comparing Community and Institutional Corrections*, expected for release in April 1995, will present comprehensive information on adults under correctional supervision and on the agencies and facilities that provide this supervision. The report documents characteristics of the offender composition, staff size, demographics of staff members, offender-to-staff ratios, agency policies, and relative costs of supervision.

Other recent findings on corrections are reported in:

- *Prisoners in 1994* reports the number of male and female prisoners under the jurisdiction of Federal and State correctional authorities, their incarceration rates, and data on prison capacities and use of local jails to reduce prison crowding.
- *Capital Punishment, 1993* describes capital punishment court cases throughout the Nation during 1993. State statutory provisions relating to the death penalty, and demographic and criminal justice-related characteristics of the 2,716 persons under sentence of death on December 31, 1993, and of the 38 persons who were executed in 10 States.
- *Probation and Parole 1993 Press Release* reports at year-end 1993, 2.8 million adults were serving a sentence of probation, and 671,469 adults on parole from prison were supervised in the communities where they lived.

NATIONAL PROSECUTION AND ADJUDICATION STATISTICS. BJS is currently analyzing and publishing data collected under the 1992 National Judicial Reporting Program (NJRP) survey and has begun preparing for the conduct of the 1994 NJRP which will survey a national sample of felony trial courts in 300 counties. BJS has recently published *Felony Sentences in State Courts, 1992* which reports that almost 900,000 felons were convicted in State courts throughout the U.S. in 1992. One-third of these offenses were for drug offenses.

In February, 1995, BJS published data on the structure of State courts in a guide which describes five aspects of State court organization including trial courts (the role of grand juries, peremptory jury challenges, jury verdict rules); appellate courts (case selection, expedited review); governance of court systems (budgets, administration); judges and judicial selection (numbers of judges, mandatory judicial education); and processing of criminal cases (felony definition, mandatory minimum, habitual offender sentencing provisions).

In 1995, BJS will be conducting the biennial National Prosecutor Survey which collects data on the staffing and operations of the approximately 2300 prosecutors' offices throughout the Nation. In addition to basic data on the number of employees, annual office budget for prosecution, etc., data are collected on the use of innovative prosecution techniques, intermediate sanctions, plea bargaining, and work-related assaults and threats.

NATIONAL LAW ENFORCEMENT AND PRETRIAL STATISTICS. The Law Enforcement Management and Administrative Statistics (LEMAS) program is currently analyzing and publishing findings from the 1993 LEMAS survey which is instrumental in tracking developments in the law enforcement field, such as the transition from revolvers to semiautomatic sidearms, and the progression from basic to expanded 911 systems; accounting for new technology, such as mobile digital computers and Automated Fingerprint Identification Systems (AFIS); and providing data on the number and characteristics of sworn and civilian law enforcement employees and the operating costs of law enforcement agencies nationwide.

For the first time, BJS conducted a census of Federal agencies to obtain data on Federal law enforcement officers with arrest and firearms authority. Data are available on the number of officers working in the areas of criminal investigation and enforcement, police patrol and response, security and protection, court operations, and corrections, by agency and State.

A major development in the area of improving the measurement of crime has been the Department's efforts to gather detailed information on criminal incidents through the FBI's National Incident-Based Reporting System (NIBRS). During the year, BJS used NIBRS data to analyze nearly 4,000 rapes and 12,000 robberies in Alabama, South Carolina, and North Dakota -- the first 3 NIBRS-certified States. These data revealed that in about 3 out of 4 reported rapes, the victim was a woman, and in about 1 in 20 rapes involved the use of a firearm. Four of every 10 rape victims reported an injury. The NIBRS data also showed that the most frequent time of day for a rape was between 11:00 P.M. and 12:00 A.M. and that nearly 1 in 3 robberies resulted in some injury to the victim. NIBRS data from 12 States were analyzed in another study which showed that about 1 in 6 female victims of forcible rape was less than 12 years old.

The National Pretrial Reporting Program (NPRP) is currently tracking arrestees that entered local court systems during May 1994 until disposition of their cases or for a maximum of 12 months in 40 jurisdictions representative of the Nation's 75 largest counties. Demographic and criminal history information are reported on the defendants and their cases relating to significant events in the pretrial release, adjudication, and sentencing phases of the criminal justice process. Soon to be released *Felony Defendants in Large Urban Counties, 1992* provides detailed data on the results of the 1992 NPRP and supplements the recently released report, *Pretrial Release of Felony Defendants, 1992*. Data presented include: characteristics of felony defendants in large urban counties; criminal history; pretrial release by type of release, bail amount, and most serious arrest charge; time from arrest to adjudication; adjudication outcome; and sentences received.

FEDERAL JUSTICE STATISTICS. The Federal Justice Statistics program provides annual data on workload, activities, and outcomes associated with Federal criminal processing of cases. The series covers all steps in the process, beginning with the number of suspects investigated, the prosecution, adjudication, and sentencing of defendants, and concluding with detailed information on the types and durations of sanctions received and served. In February, 1995, BJS published *Challenging the Conditions of Prisons and Jails: A Report on Section 1983 Litigation* that seeks to furnish systematic data on litigation under Section 1983 of the U.S. Code, which the U.S. Supreme Court has interpreted to permit prisoners to sue correctional officials in Federal court when the conditions of confinement fail to meet constitutional standards. Section 1983 litigation represents 1 in 10 of the Civil cases filed in U.S. district courts. This profile of such lawsuits examining more than 2,700 cases disposed of in 1992 in 9 States (Alabama, California, Florida, Indiana, Louisiana, Mississippi, New York, Pennsylvania, and Texas) shows that 35 percent of cases result in dismissals, 4 percent result in stipulated dismissals or settlements, 2 percent result in judgments, and that 55 percent, less than 1/2 of 1 percent result in a favorable verdict for the prisoners). Forthcoming BJS reports presenting Federal Justice data include:

- **Federal Weapons Offenses:** *Federal Offenses and Offenders* describes offenders whose sentences reflect the involvement of weapons in their offenses. The report describes both persons convicted of specific weapons offenses and violent offenders who receive longer sentences based on the presence of weapons.
- **Compendium of Federal Justice Statistics, 1992,** seventh in the annual series, describes all aspects of processing in the Federal Justice system, including numbers of persons prosecuted, convicted, incarcerated, sentenced to probation, released pretrial, and under parole or other supervision. Data are presented both nationally and by Federal judicial district and describe events completed in the given year.

CRIMINAL RECORDS DATA QUALITY PROGRAM. For the last twenty years, major efforts have been undertaken by BJS in support of the improvement of the quality of criminal history records. The Justice Information Policy Assistance program supports surveys, studies, conferences, and technical assistance on issues relating to data quality and the improvement of criminal justice records. BJS recently conducted the third Survey of Criminal History Record Information Systems, which obtained data as of year-end 1993 on the number of records maintained by each State, the percentage of automated records in the system and in the master name index, levels of fingerprint-supported data, the number of dispositions received, the percentage of records with disposition data included, State membership in the FBI's Interstate Identification Index, and procedures followed in connection with presale firearm checks. BJS is sponsoring the Task Force on "rap" sheet information and formats and the use of criminal history record information, which will develop a report on recommendations and strategies for increasing the exchange and utility of criminal history record information. BJS recently released the report, *Compendium of State Privacy and Security Legislation, 1994 Overview*, which presents an overview of State legislation governing the privacy, security, maintenance, and dissemination of criminal history records.

LEADING INDICATORS CRIME INFORMATION SYSTEM (LICINS). The Attorney General requested BJS to develop a summary of indicators to measure emerging crime problems. LICINS is a locality-oriented supplement to existing statistical series and focuses on useful, immediate information for combating crime, particularly violent crime. In 1994, BJS met with major Federal law enforcement agencies to evaluate different approaches for such a system. BJS and the staff of the FBI's Uniform Crime Reporting program selected 21 cities, towns, and counties as the initial reporters under the LICINS program. Procedures are being devised to compile the data received from these communities to provide statistical and contextual information on new or developing problems.

DRUG-RELATED STATISTICS. BJS will soon be releasing the report, *Federal Drug Data for National Policy*, which gives an overview of drug data available from the Federal Government and identifies more than 40 sources of drug data produced or sponsored by 17 Federal agencies. The report specifies the data available from each source, the purpose of the source, the sponsoring agency, the population covered, the periodicity, key publications, and data availability. Each data source is described in both tabular and narrative form. Several "Drugs and Crime Fact Sheets" were recently published including *Street Terms*, which defines more than 1,500 street terms that refer to drug types or drug activities and *Drug-Related Crime* which describes the various ways in which drugs and crime can be related and presents available statistics on drugs and crime from BJS and non-BJS sources and discusses the methodological difficulties of estimating comprehensively the amount of crime that is related to drugs. The *1994 National Directory of State Drug Resources* provides information on State agencies that address drug abuse concerns. Organized by State, the directory gives agency names, addresses, and telephone numbers. Also included are listings of Federal agencies that people frequently contact for information as well as references for State agencies listed by area of specialty.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Activity: Emergency Assistance.....

LONG-RANGE GOAL: To provide necessary financial and/or other assistance to State and local governments that require such assistance to adequately respond to law enforcement emergencies.

MAJOR OBJECTIVES:

To approve or deny a State's application for Emergency Federal Law Enforcement Assistance no later than 10 days after receiving such application.

To ensure that once an application for assistance is approved, the assistance is rendered without delay.

BASE PROGRAM DESCRIPTION: The Comprehensive Crime Control Act of 1984 (42 U.S.C. 10501 et. seq.) created the Emergency Federal Law Enforcement Assistance (EFLA) program. National disaster crime response and crime prevention efforts by States and localities without varying, often exceeding the capacity of law enforcement resources to protect life and property. It is clear that the Act is the firm intention to legislation and its legislative history that certain situations are viewed as appropriate for EFLA. Equally clear is the firm intention to avoid unnecessary Federal involvement or intervention in matters that are primarily of State and local concern. To this end, the Anti-Drug Abuse Act excludes assistance for planning or other activities related to crowd control for general public safety projects and assistance for a situation requiring the enforcement of laws associated with scheduled public events. Thus, the high law enforcement costs associated with political conventions and international sporting events should be borne by the localities that sought the events.

The Act authorizes the Attorney General to approve or deny EFLA applications, which must be submitted by State chief executive officers. The Act requires the Attorney General to approve or deny a State's application in consultation with the Director of the Bureau of Justice Assistance and the Assistant Attorney General, Office of Justice Programs. Should other than financial assistance be required, the Attorney General may also consult with members of the Federal law enforcement community, such as the FBI. Other assistance can include equipment, training, intelligence information and personnel.

ACCOMPLISHMENTS AND WORKLOAD: In 1986, the State of West Virginia requested assistance, receiving \$56,677 for a temporary office staffed by State Police and civilian personnel to coordinate law enforcement resources within 29 counties declared a Federal Disaster Area due to major

flooding. In 1989, Hurricane Hugo and the San Francisco Earthquake resulted in requests for assistance. A total of \$4,001,274 was awarded South Carolina, Puerto Rico and the Virgin Islands to assist law enforcement in its response to Hurricane Hugo and \$4,963,000 was awarded California for its response to the San Francisco earthquake. Of the amount awarded to California, \$4,240,824 was later deobligated because funding for most expenses was duplicated by the Federal Emergency Management Agency (FEMA). In September and November 1990, Florida received two grants totalling \$1,141,639 to help fund its multi-agency Gainesville Homicide Task Force, which was investigating the serial murders of five college students. In 1991, two states received assistance. The State of Indiana received \$43,000 in February 1991 to help fund a multi-agency Shotgun Murders Task Force, which was investigating the serial murders of seven people and the attempted murders of four others. Also in December 1991, the State of Florida received \$200,000 to help fund its multi-agency Church Arson Task Force, which was investigating 30 church fires set by a serial arsonist in the Gainesville, Ocala, Jacksonville area of Florida. California was awarded \$3,000,000 in May 1992, to assist with paying overtime of local law enforcement agencies that responded to the Los Angeles riots. In August 1992, Hurricane Andrew struck Florida and Louisiana, causing widespread devastation. As a result, grant of \$1,000,000 was awarded to Florida and \$600,000 to Louisiana and Louisiana. On April 5, 1993, Texas was awarded \$625,113 to pay for law enforcement overtime to assist in the response to the standoff at the Branch Davidian Compound in Waco, Texas. On April 9, 1993, California was awarded \$1,000,000 to pay for law enforcement overtime associated with an increased police presence to avoid civil disturbances during and following jury deliberations in the Rodney King and Reginald Denny trials. Currently, a balance of \$1.1 million is available for the program.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.

Activity: Juvenile Justice Programs... ..

In 1995, Congress created for this activity a new account entitled "Juvenile Justice Programs." All budget material is included under that account and is not repeated here.

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.	Amount	Perm.	Pos.

Activity: Missing Children.....

LONG-RANGE GOAL: To reduce the incidence of crimes against children, particularly kidnapping and sexual exploitation, and to improve the criminal justice, social services and treatment systems that are responsible for dealing with these crimes when they occur.

MAJOR OBJECTIVES:

To ensure that there is effective coordination among all Federally funded programs related to missing children.

To establish and maintain a national resource center and clearinghouse to:

- provide to state and local governments, public and private non-profit agencies, and individuals information regarding free or low cost legal, restaurant, lodging, and transportation services available to benefit missing children and their families; and information on

- Federal programs available to assist missing children and their families;
- Coordinate public and private programs that locate and recover missing children;
 - Identify, monitor, and disseminate information about missing children;
 - Provide technical assistance and training to law enforcement agencies, state and local governments, private non-profit agencies, and individuals in the prevention, investigation, prosecution and treatment of the missing or exploited child case and in locating and recovering missing children.

To periodically conduct national incidence studies to determine the actual number of children reported missing each year, the number of children who are victims of stranger abductions, the number of children who are victims of parental kidnappings, and the number of missing children who are recovered each year.

To provide to state and local governments, public and private non-profit agencies, and individuals information to facilitate the lawful use of school records and birth certificates to identify and locate missing children.

To prepare an annual report to the President, Speaker of the House, and President pro tempore of the Senate that includes information contained in Section 404(a)(5) of the Juvenile Justice and Delinquency Prevention Act, as amended.

To provide a program to establish and maintain a 24-hour national toll-free telephone line where individuals may report information regarding the location of missing children and request information on reuniting such children with their families.

BASE PROGRAM DESCRIPTION: The public and the criminal justice community continue to be concerned about runaway and other missing and exploited children. During 1990, the National Incidence Study of Missing, Abused, and Neglected Children (NISMAN) was conducted, in which it was determined that the missing children problem is a set of five very different and distinctly observable phenomena. This study produced the first national estimates of the number of children in each of these categories for a given year. Results indicated that in 1988, there were an estimated 354,100 children who met the study definitions for family abduction. While an estimated 3,200 to 4,500 children were abducted by non-family members, of which 200-300 were defined as stereotypical (stranger) kidnappings, there were an estimated 114,000 who were attempted stranger abductions. An estimated 450,700 children ran away from their homes or from juvenile facilities; an estimated 127,100 were thrown out of their homes or abandoned by their parents; and finally, an estimated 438,200 children were lost, injured or otherwise missing for a specified period of time, depending on their age and disabilities. It was discovered that many of the children in the first four categories were not literally missing, caretakers did know where they were, but the problem was in recovering them. In 1994 a program solicitation was issued for NISMAN II, which will be a new incidence study, mandated by Title IV to look at other categories of missing children and update the previous study.

The Missing Children Program funds are used to enhance the efforts of state and local communities in their comprehensive response to missing and exploited children issues through such activities as direct assistance in planning and program development at the local level, and developing and disseminating policies, procedures and programmatic information related to search teams, investigations, crisis intervention activities, as well as reunification of youth with their family, and responding to issues related to victimization of the families and youth involved in the missing and exploitation problem.

Missing Children funds are also used to support research and demonstration programs that assess the psychological impact of abduction on children and families, the legal obstacles to the recovery and return of parentally abducted children, problems with reunification of missing children and efforts to prevent future incidents, and the prevention of family abductions. Maintaining the National Incidence-Based Reporting System as a potential source of data on child abduction, including information on child victimization, identification of child care and youth service workers. Funds also support training and technical assistance for law enforcement, including state missing children clearinghouses, and prosecutors in missing child cases.

The Juvenile Justice and Delinquency Prevention Act (JJDP) requires the Office of Juvenile Justice and Delinquency Prevention to publish in the Federal Register for public comment annual research, demonstration and service program priorities for making grants and contracts pursuant to section 405 and the criteria based on merit for making such grants and contracts. The 1995 program priorities were published on October 12, 1994, for public comments and published in the Federal Register in final on January 5, 1995. OJJDP developed a long-range plan and published it in the Federal Register on October 12, 1994, for public comments. The Office will be going forward with that long-range plan for establishing future years' program priorities.

The Missing Alzheimer's Disease Patient Alert Program funded under Title IV of the Juvenile Justice and Delinquency Prevention Act (JJDP), as amended, is being requested under the Violent Crime Reductions Program appropriation. A total of \$900,000 is being proposed which is consistent with the amount authorized under the Violent Crime Control and Law Enforcement Act of 1994.

ACCOMPLISHMENTS AND WORKLOAD: The following table presents accomplishments of the Missing Children Program.

Item	1993		1994		Estimate 1995	
	Per.	Am.	Per.	Am.	Per.	Am.
Law enforcement and social service professionals trained.....			6,600	6,600	12,267 1/	12,267
Telephone calls requesting information (NCEC) 2/.....			100,000	123,000	125,000	125,000
Instances of technical assistance related to missing or exploited children's cases (NCEC).....			11,000	13,000	14,000	15,000
Instances of technical assistance related to missing or exploited children's cases (State clearinghouse) 2/.....			42,000	43,000	45,000	48,000
"Brochures, manuals, and child safety guides developed, published and mailed.....			761,000	1,904,500 4/	790,000	790,000

1/ Training function to be provided by OJJDP Law Enforcement Training and Technical Assistance Contractor, the Missing Children's Comprehensive Action Program (M/CAP) and the National Center for Missing and Exploited Children (NCMEC). Increase due to inclusion of law enforcement and social service professionals being trained under the OJJDP Law Enforcement Training and Technical Assistance Contract and the M/CAP Program as well as the NCMEC.

2/ Represents workload estimates for National Center for Missing and Exploited Children (NCMEC).

3/ Represents workload estimates for State operated clearinghouses -- range of responsibilities includes: operate toll-free in-state telephone lines to accept information about sightings of missing children; assist in the investigation of missing child cases; expedite the entry of missing child information into the NCIC system; and utilization of computer bulletin board data systems to collect and disseminate information that can assist agencies in recovering missing children.

4/ Increase due to new investigator's guide released by Attorney General and M/CAP publication distribution.

Activity: Crime Control Programs.....	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Per.	Am.	Per.	Am.	Per.	Am.	Per.	Am.

This activity is used to reflect adjustments to prior year obligations and outlays for programs that were authorized by preceding legislative authority but are not authorized by existing legislation. The programs have terminated and require no new budget authority in 1996.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Activity: Regional Information Sharing System.....	\$14,500	...	...	\$14,500	...

LONG-RANGE GOAL: To enhance the ability of State and local criminal justice agencies to identify, target, and remove criminal conspiracies and activities spanning jurisdictional boundaries.

MAJOR OBJECTIVES:

To encourage and facilitate the rapid exchange and sharing of information pertaining to known or suspected criminals or criminal activity among Federal, State, and local law enforcement agencies.

To enhance coordination and communication among those agencies in addressing multi-jurisdictional crime.

To provide technical and financial resources to augment existing multi-jurisdictional enforcement resources (including loaning specialized equipment, training, and investigative expenses).

BASE PROGRAM DESCRIPTION: The RISS Program provides for regionally based information sharing centers throughout the United States to service State and local criminal justice agencies. The program maintains the operations of the six existing regional information sharing centers: the Middle Atlantic-Great Lakes Organized Crime Law Enforcement Network; the Mid-States Organized Crime Information Center; the New England State Police Information Network; the Regional Organized Crime Information Center; the Western States Information Network; and the Rocky Mountain Information Network. Each of these projects is comprised of an information sharing capability, an intelligence analysis component, and a telecommunications system, and provides for investigative support, investigative equipment, technical assistance and training.

ACCOMPLISHMENTS AND WORKLOAD:

In FY 1994, the RISS Projects served a membership of 4,279 agencies. RISS projects have undertaken investigations that have resulted in 8,530 arrests; seizures of controlled substances valued at more than \$70 million; seizures of assets valued at \$14.8 million.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm.	Anticipated	Perm.	NY Amount	Perm.	NY Amount	Perm.	NY Amount
Activity: National White Collar Crime Center.....	\$1,400	...	...	\$1,400	...

LONG-RANGE GOAL: To prevent economic crimes.

MAJOR OBJECTIVES: To develop a national support system for the prevention, investigation, and prosecution of economic crimes.

BASE PROGRAM DESCRIPTION: The National White Collar Crime Center assists Federal, State and local law enforcement and regulatory agencies in multi-State investigations of white collar crimes. Investment, telemarketing, and securities fraud; "boiler room" scam operations; and advanced

fee loans represent a sampling of the Center's undertakings. The Center is developing a national support system for the prevention, investigation, and prosecution of domestic crimes, and is pursuing an educational and training component targeting agencies, both criminal and regulatory, which have the responsibility of investigating economic crime. In FY 1995, the Center will enhance efforts to address health care fraud and fraud against the elderly.

	1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Activity: Anti-Drug Abuse Program.....

In 1995, Congress created a new account entitled "State and Local Law Enforcement Assistance" for this activity. All budget material is included under that account and is not repeated here.

	1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Activity: Victims of Child Abuse.....

In 1995, Congress included this activity under the newly created account entitled "Juvenile Justice Programs." All budget material is included under that account and is not repeated here.

	1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
Activity: Management and Administration..	437	431	\$35,772	513	523	\$50,495	513	523	\$50,495	...	...	...

LONG-RANGE GOAL: To administer programs in the most effective and efficient manner possible.

MAJOR OBJECTIVES:

- To provide executive direction, control and coordination over the wide array of OJP programs.
- To develop an annual research and development program plan.
- To manage and analyze results of individual research programs and monitor all current research projects.
- To conduct in-house research on timely topics and provide policy briefings to senior officials.

- To develop program models describing strategies to prevent and reduce crime.
- To produce and disseminate policy-relevant research findings to criminal justice officials and agencies at the Federal, State, and local levels.
- To maintain an effective, responsive criminal justice reference service.
- To collect, analyze, and publish statistical information on crime and the operations of the justice systems at all levels of government.
- To manage major national statistical series regarding crime, its victims, and the operation of the justice system.
- To develop national standards for justice statistics to ensure the inter-State comparability, reliability and validity of justice statistics.
- To provide support to State and local governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics.
- To develop statistical reports, focused analytic reports, bulletins and national advisories aimed at improving the understanding of the general public concerning crime, crime prevention, and the functions of law enforcement, judicial and correctional agencies.
- To provide technical assistance to eligible institutions, agencies and individuals regarding implementation and operation of programs.
- To direct and administer the Federal Surplus Property Transfer program and Private Sector/Prison Industry Enhancement Certification program.
- To process and determine eligibility of claims for payment of benefits under the Public Safety Officers' Benefit program within two weeks of receipt of complete claims documentation.
- To direct and administer the Edward Byrne Memorial State and Local Law Enforcement Assistance program, the Emergency Federal Law Enforcement Assistance program, the Regional Information Sharing System program and the National White Collar Crime Information Center.
- To direct and administer the Juvenile Justice programs, the Missing Children's program and the Victims of Child Abuse programs.
- To administer a program that provides grants to eligible crime victim compensation programs and a program that awards grants to States to provide victim assistance programs, and provide technical assistance to grantees.
- To direct and administer a program that improves services to victims of Federal crimes.
- To direct and administer a program that will improve the investigation and prosecution of child abuse on Native American reservations.
- To direct and administer national scope training and technical assistance projects and provide a training and technical assistance program aimed at eligible State crime victims programs and criminal justice system professionals.
- To direct and administer a program designed to advance the investigation and prosecution of child abuse cases and a program that establishes and expands victim assistance services for crime victims in Indian Country in areas where the Federal Government has authority to investigate and prosecute crime.
- To direct and administer a training, technical assistance, and dissemination program aimed at improving victim services at the State and local levels.

To direct and administer Crime Control programs provided from the Violent Crime Control and Law Enforcement Act of 1994, insuring streamlined processes and "user friendly" application procedures.

To prepare and disseminate program solicitations; review applications, concept papers or proposals; rate applicants and award grants, contracts, and cooperative agreements.

To monitor all active grants, contracts, cooperative agreements, and interagency agreements.

To prepare annual reports as required.

To close out grants and contracts within 180 days of their end-date.

To provide grant review and award functions in the most economical and efficient centralized manner.

To provide the full range of support services to the program offices.

BASE PROGRAM DESCRIPTION: The Office of Justice Programs (OJP) carries out policy coordination and general management responsibilities for the Bureau of Justice Assistance (BJA), Bureau of Justice Statistics (BJS), National Institute of Justice (NIJ), Office of Juvenile Justice and Delinquency Prevention (OJJDP), and the Office for Victims of Crime (OVC). Since the functions and responsibilities of the five program bureaus and offices are described in the justifications for those programs, they are not repeated here.

ACCOMPLISHMENTS AND WORKLOAD: The following table reflects some of the major workload and accomplishments of the Office of Justice Programs.

Items	1993	1994	Estimate	
			1993	1994
Grants and contracts awarded by NIJ.....	126	144	190	190
Policy reports prepared and published by NIJ.....	52	51	65	70
Research, development and evaluation projects monitored.....	188	150	150	150
Criminal justice conferences and workshops sponsored by NIJ.....	20	20	20	20
Responses to requests for criminal justice information.....	46,000	66,932	60,000	60,000
Number of active grants and contracts published by BJA.....	31	36	56	56
Number of active grants and contracts published by BJS.....	185	76	80	80
Number of active grants and contracts published by OJJDP.....	56	55	57	57
Number of active grants and contracts published by OVC.....	31	35	37	37
Juvenile justice formula grants awarded.....	26	40	42	42
Juvenile justice special emphasis grants awarded.....	...	...	57	57
National Institute of Justice grants awarded.....	...	57	57	57
State Challenge activities grants.....	...	...	...	...
Incentive grants for Local Delinquency Programs.....	19	16	22	22
Prevention and treatment programs relating to juvenile gangs and drug abuse and drug trafficking.....	250	300	325	325
Juvenile justice active grants monitored.....	4	4	4	4
Juvenile justice interagency agreements entered into.....	2	2	2	2
Juvenile justice information/dissemination projects.....	226	261	245	245
PSOB death and disability claims closed.....	8	3	20	20
PSOB death and disability agency appeals closed.....	3,800	3,900	4,000	4,200
Victim correspondence.....	...	...	...	...

Item	1993	1994	1995	Estimate 1996
Grant awards to victim compensation providers.....	49	50	50	50
Grant awards to States for victim assistance programs.....	57	57	57	57
Victim technical assistance to improve services to victims of Federal crimes.....	300	300	300	300
Grants to provide information, dissemination and training aimed at improving the provision of victim assistance at the State and local levels.....	12	20	25	25
Grant awards to Federally recognized Indian tribes to improve investigation and prosecution of child abuse.....	3	10	10	8
Grant awards to States to expand assistance for victims of Federal crime in Indian Country.....	15	19	16	19
Grant awards to fund the provision of training and technical assistance to victim service providers and components of the criminal justice system.....	4	4	4	4
Funding requests approved to meet emergency needs of victims of Federal crime.....	20	24	23	25
Byrne formula grants awarded (number of States).....	56	56	56	56
Technical assistance provided to State and local governments by BJA (instances).....	168	168	168	168
Discretionary projects funded by BJA.....	150	500	1,100	1,500
Discretionary projects managed by BJA.....	200	600	600	600
Televised Testimony projects managed.....	26	26	26	26
Training workshops conducted by BJA.....	90	90	120	120
Special reports, program briefs, and program guides produced by BJA.....	60	70	80	80
Response to requests for drug control and criminal justice information and BJA publications.....	48,000	50,000	70,000	75,000

* Includes Police Hiring Supplement.

Office of Justice Programs

Justice Assistance

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 102(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General to submit an annual report to the President and Congress by March 31 of each year. A combined report for fiscal years 1993 and 1994 is expected to be submitted in April 1995.
2. Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Prisons, the Director of the Federal Bureau of Investigation, and the Director of the National Institute of Justice to submit an annual report to the President and Congress by March 31 of each year. A combined report for fiscal years 1993 and 1994 is expected to be submitted in April 1995.
3. Section 404(a)(5) of the Missing Children's Assistance Act, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit a report to the President and Congress not later than 180 days after the end of each fiscal year, which: (1) contains a comprehensive plan to facilitate coordination and cooperation among agencies and organizations with missing children; (2) identifies effective Federal, State and local coordination and cooperation models for locating and recovering missing children; (3) identifies effective program models that provide treatment, counseling, or other aid to parents of missing children or children who have been victims of abduction; (4) describes how the Administrator provided adequate staff and agency resources to carry out title IV responsibilities; (5) describes the number and types of telephone calls received over the national toll-free telephone and the referrals to HHS's national communications system (runaway hotline); (6) describes the activities of the national resource center and clearinghouse; (7) describes all programs assisted under the Section 405 discretionary grant program in the preceding fiscal year; (8) summarizes all missing children research completed in the preceding year under title IV; and (9) identifies each clearinghouse assisted under Section 405(a)(9) in the preceding fiscal year, the activities carried out, the types and amount of other assistance received, and specifies the number and types of cases handled/resolved and the circumstances of each case. The report for fiscal year 1994 is due March 31, 1995 and is expected to be submitted by May 1, 1995.
4. Section 520(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the National Institute of Justice to annually report to the President, the Attorney General, and the Congress on the nature and findings of the evaluation and research and development activities funded under Sections 501(c)(7) and 501(c)(8) of the Act. The Institute will report to the President and Congress on the progress of the evaluation and research activities funded under Sections 501(c)(7) and 501(c)(8) of the Act. The report for fiscal year 1993 and 1994 is scheduled for completion in April 1995.
5. Section 609U of the Justice Assistance Act of 1984 requires the Attorney General to submit to the President and Congress by April 1 of each year, a report describing Federal law enforcement emergency assistance provided during the calendar year preceding the date the report is made. The report for 1993 was submitted in August 1994. No funds for emergency assistance were spent in 1994, therefore no report is required.

Office of Justice Programs
Justice Assistance
Priority Ranking
Fiscal Year 1996

Base Program		Ranking
Program		
Research, Evaluation, and Demonstration Programs.....		1
Criminal Justice Statistical Programs.....		2
Management and Administration.....		3
Missing Children.....		4
Regional Information Sharing System.....		5
White Collar Crime Information Center.....		6

Office of Justice Programs
Justice Assistance
Detail of Permanent Positions by Category
Fiscal Years 1994 - 1996

Category	1994		1995		1996	
	Authorized		Authorized		Authorized	
Attorneys (905).....	12	18	18	18	18	18
Other Legal and Kindred (900-998).....	2	2	2	2	2	2
Social Sciences, Economic and Kindred (100-199).....	102	132	132	132	152	152
Personnel Management (200-299).....	10	11	11	11	11	11
General Admin., Clerical and Other Services (300-399).....	139	166	166	166	186	186
Accounting and Budget (500-599).....	22	32	32	32	43	43
Engineering and Architecture Group (800-899).....	2	2	2	2	2	2
Information and Arts Group (1000-1099).....	9	10	10	10	25	25
Business and Industry Group (1100-1199).....	14	23	23	23	28	28
Library and Archives Group (1400-1499).....	3	3	3	3	3	3
Mathematics and Statistics Group (1500-1599).....	30	35	35	35	40	40
Equipment, Facilities and Service Group (1600-1699).....	1	1	1	1	1	1
Supply Group (2000-2099).....	2	2	2	2	2	2
Total.....	348	437	437	437	513	513
Washington.....	348	437	437	437	513	513

Office of Justice Programs
Justice Assistance
Summary of Changes
(Dollars in thousands)

	Perm. Pos.	Work- Years	Amount
1995 as enacted.....	437	431	\$98,100
Procurement savings.....	...	...	-123
Transfer from other accounts:			
Community Oriented Policing Services (COPS).....	...	...	900
Violent Crime Reduction Programs, OJP for administrative functions.....	...	...	3,095
Juvenile Justice appropriation for administrative functions.....	...	...	4,800
1995 appropriation anticipated.....	437	431	106,772
Change in transfers:			
From Community Oriented Policing Services (COPS).....	...	...	1,047
From Violent Crime Reduction Programs, OJP for administrative functions.....	76	76	9,889
Transfer in the estimates to Violent Crime Reduction Programs.....	...	...	-750
Total transfers.....	76	76	10,186
Adjustments to base:			
Increases:			
One additional compensable day.....	...	...	100
1995 pay raise.....	...	...	402
Annualization and increase of 1995 pay raise.....	...	...	812
Within-grade increases.....	...	...	227
Annualization of 16 additional positions approved in 1995.....	...	16	598
Health benefits.....	...	...	35
\$80 supplemental retirement contributions.....	...	...	24
Unemployment compensation.....	...	...	57
General Services Administration (GSA) rent.....	...	...	940
Postal rate increase.....	...	...	140
General pricing level adjustments.....	...	...	2,032
Total, mandatory increases.....	...	16	5,364
Decreases:			
Federal Employees Retirement System.....	...	...	-91
FIS 2000.....	...	...	-35
Procurement savings.....	...	...	-120
Total, decreases.....	...	...	-246
1996 Base/Request.....	513	523	122,076

**Office of Justice Programs
Justice Assistance
Justification of Adjustments to Base
(Dollars in thousands)**

	Pos.	FY	Amount
Changes in Transfers:			
1. Transfer from Community Oriented Policing Services (COPS).....	...	...	\$1,047
Provides for the financial management and administration associated with grants provided under the COPS program.			
2. Transfer from Violent Crime Reductions Program (VCRP).....	76	76	9,889
Provides for the management and administration of programs being requested under the VCRP account.			
3. Transfer in the estimates to Violent Crime Reductions Program (VCRP).....	...	...	-750
The Missing Alzheimer's Disease Patient Alert Program is authorized under the Violent Crime Control and Law Enforcement Act of 1994; therefore it is being requested from the VCRP account.			
Total transfers.....	<u>76</u>	<u>76</u>	<u>10,186</u>
Mandatory increases:			
1. One additional compensable day.....	...	...	100
The annual salary rate for Federal employees is based on 260 paid days. FY 1996 has 261 days. This request includes appropriate personnel benefits as well as pay for the additional day (\$76,000 for pay and \$24,000 for benefits).			
2. 1996 pay raise.....	...	...	402
This request provides for the proposed 3.2 percent pay raise to be effective in of January 1996 and is consistent with administration policy. The amount requested \$402,000, represents the pay amounts for three-quarters of the fiscal year plus appropriate benefits (\$306,000 pay and \$96,000 benefits = \$402,000).			
3. Annualization and increase of 1995 pay raise.....	...	...	812
This pay annualization represents first quarter amounts (October through December) of the anticipated 1995 pay increase of 3.3 percent effective in January 1995 plus appropriate personnel benefits and the additional amount required above the 1.6 percent originally requested for the three-quarters of the year (\$620,000 for pay and \$192,000 benefits = \$812,000).			
4. Within-grade increases (WIG).....	...	...	227
This request provides for the expected increase in costs of within-grade increases. This increase is based on an accurate, dynamic model of the Department's employee population which includes numerous factors such as anticipated pay raises, adjustments to include three-year attrition/separation rates, and career ladder series to reflect promotion policy for each organization. The request includes \$216,000 for pay and \$67,000 for benefits.			
5. Annualization of 16 additional positions approved in 1995.....	...	16	593
This provides for the annualization of 16 additional positions approved in the 1995 Appropriations Act for Juvenile Justice (11 positions) and Violent Crime Reduction Programs (5 positions).			

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Pos.	MY	Amount
6. Health benefits..... The Federal Employees Health Benefits Act (P.L. 93-246), provided that the Government's share of health insurance would be 60 percent of the total rate commencing in 1975. This rate was subsequently increased to 72 percent. The requested increase of \$35,000 provides funds for actual increased costs from pay period 2 to pay period 3 of 1994 projected for a full year.	\$35
7. \$80 supplemental retirement contributions..... For FY 1995 to 1998, agencies are required to remit into the Civil Service Retirement and Disability Fund as an offset for early retirements an amount equal to 580 times the number of employees who as of March 31 of that year, are covered by either the CSRS or FERS retirement systems. The requested increase of \$24,000 provides for this contribution.	24
8. Unemployment compensation..... This increase is based upon the most recent complete annual billing provided by the Department of Labor (DOL) for employees' unemployment compensation. An increase of \$57,000 is required to meet our commitment to DOL.	57
9. General Services Administration (GSA) rent..... GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$940,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of the automated system, which uses the latest inventory data and GSA-provided rates.	940
10. Postal rate increase..... The United States Postal Service plans a rate increase of 10.3 percent for first class mail in January of 1995. The cost will rise from 29 to 32 cents per stamp. An increase of \$140,000 is requested in 1996 to cover this rate adjustment.	140
11. General pricing level adjustments..... This request applies GSA pricing guidance as of June 6, 1994, to selected expense categories. The increased costs identified result from applying a factor of 3.0 percent against those subobject classes where the prices that the Government pays are established through the market system instead of by law or regulation. Generally, the factor is applied to supplies, materials, equipment, contracts with the private sector, printing costs, transportation costs and utilities.	2,032
Total mandatory increase.....	---	16	\$164

Justification of Adjustments to Base (continued)
(Dollars in thousands)

	Pos.	NY	Amount
Decreases:			
1. Federal Employees Retirement System (FERS).....	...	...	-\$91
Effective October 2, 1994, there was an overall reduction in the amount of required agency contribution for FERS. The law enforcement agent rate fell from 27.3 percent to 24.3 percent and the non-law enforcement agent rate fell from 12.9 to 11.4. The estimated decrease is \$91,000.			
2. FRS 2000.....	...	...	-35
This decrease reflects FRS 2000 data compiled by the General Services Administration for the Office of Management and Budget. The price redetermination takes into consideration both voice and data services and is an across-the-board Government-wide savings, consistent with the President's commitment regarding administrative cost reductions. The 1996 decrease is \$35,000.			
3. Procurement savings.....	...	...	-120
This decrease results from Congressional and other action on procurement reform as recommended by the National Procurement Review. Savings are expected from increased efficiencies in the Federal procurement system. The 1996 decrease is \$120,000.			
Total decreases.....	---	---	-246
Total, adjustments to base.....	76	92	15,304

Office of Justice Programs
Justice Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Grades and Salary Ranges	1994 Actual		1995 Estimate		1996 Estimate		Increase/Decrease	
	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount	Positions & Workyears	Amount
Executive Level IV, \$115,700.....	6		6		6		...	
ES-5, \$117,927.....	1		1		1		...	
ES-4, \$113,180.....	5		5		5		...	
ES-3, \$107,379.....	2		2		2		...	
ES-2, \$102,778.....	1		1		1		...	
GS-1, \$97,391.....	1		1		1		...	
GS/CM-12, \$105,643-97,166.....	38		42		44		2	
GS/CM-13, \$105,935-97,200.....	61		62		64		2	
GS/CM-14, \$105,935-97,200.....	36		36		36		...	
GS-12, \$43,354-56,152.....	38		42		44		2	
GS-11, \$36,174-47,025.....	28		44		52		8	
GS-10, \$32,926-42,808.....	20		17		17		...	
GS-9, \$29,898-38,869.....	11		11		11		...	
GS-8, \$27,068-35,185.....	29		45		65		20	
GS-7, \$24,441-31,770.....	12		12		12		...	
GS-6, \$21,995-28,592.....	15		28		48		20	
GS-5, \$19,732-25,656.....	13		20		20		...	
GS-4, \$17,637-22,925.....	348	\$19,329	437	\$24,253	513	\$31,364	76	\$7,111
1996 pay raise.....	...	70	...	...	...	76	...	76
Total, appropriated positions.....	...	-2,866	...	-2,848	...	-686	...	2,162
Pay above stated annual rates.....	...	-143	...	-520	...	-102	...	818
Lapses.....	309	16,390	408	20,785	500	30,652	92	9,867
Savings due to lower pay scales for part of year.....	2	102	5	260	5	265	...	5
Net full-time permanent.....	15	635	18	670	18	715	...	45
Other than permanent:	...	...	...	...	...	...	...	...
Part-time permanent.....	1	44	...	30	...	30	...	...
Temporary employment.....	...	316	...	320	...	320	...	...
Other Personnel Compensation:	...	...	...	...	...	...	...	...
Overhead.....	...	...	...	...	...	...	...	...
Other Compensation.....	...	...	...	...	...	...	...	...
Special Personnel Services Payments.....	...	...	...	...	...	...	...	...
Total, workyears and personnel compensation.....	327	17,823	431	22,185	523	32,082	92	9,917
Average ES salary.....		(\$109,429)		(\$109,931)		(\$112,349)		
Average GS/CM salary.....		(\$82,857)		(\$83,347)		(\$89,421)		
Average GS/CM Grade.....		(11.23)		(10.73)		(10.34)		

Office of Justice Programs
Justice Assistance
Summary of Requirements by Grant and Object Class
 (Dollars in thousands)

Object Class	1994 Actual Workyears	1994 Actual Amount	1995 Estimate Workyears	1995 Estimate Amount	1996 Request Workyears	1996 Request Amount	Increase/Decrease Workyears	Increase/Decrease Amount
11.1 Full-time personnel.....	309	\$16,390	408	\$20,785	500	\$30,652	92	\$9,867
11.2 Other than full-time personnel.....	17	737	23	930	23	980	...	50
11.3 Other personnel compensation.....	1	363	...	350	...	350	...	...
11.8 Social personnel services payments.....	113	113	100	100	100	100	...	...
Total, workyears and personnel compensation.....	327	17,623	431	22,165	523	32,082	92	9,917
Other objects:								
12 Personnel benefits.....	3,161	3,161	4,000	4,000	5,790	5,790	1,790	1,790
13 Benefits for former personnel.....	450	450	21	21	78	78	57	57
21 Travel and transportation of persons.....	985	985	1,468	1,468	1,731	1,731	263	263
22 Transportation of things.....	8	8	8	8	8	8	...	...
23.1 GSA rent.....	2,782	2,782	4,482	4,482	5,422	5,422	940	940
23.2 Rental payments to others.....	...	...	70	70	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	1,433	1,433	1,284	1,284	1,475	1,475	191	191
24 Printing and reproduction.....	1,010	1,010	833	833	862	862	49	49
25.1 Consulting services.....	5,793	5,793	6,800	6,800	3,325	3,325	-3,575	-3,575
25.2 Other services.....	13,732	13,732	9,270	9,270	10,772	10,772	1,502	1,502
25.3 Purchases of goods and services from Government accounts.....	57,681	57,681	18,585	18,585	18,570	18,570	-15	-15
25.5 Research and development contracts.....	53	53	60	60	60	60	...	...
26 Supplies and materials.....	580	580	400	438	438	438	38	38
41 Equipment.....	636	636	500	500	565	565	65	65
42 Grants, subsidies, and contributions.....	705,718	705,718	80,664	80,664	40,911	40,911	-47,783	-47,783
Interest and dividends.....	...	...	...	...	...	...	...	...
Total obligations.....	612,615	612,615	188,610	188,610	122,076	122,076	-36,534	-36,534
Recovery of prior year obligations.....	-5,514	-5,514	...	...	...	...	...	...
Unobligated balance, start-of-year.....	-179,334	-179,334	-81,838	-81,838	...	...	...	...
Unobligated balance, end-of-year.....	53,838	53,838	106,772	106,772	122,076	122,076	...	...
Total requirements.....	679,605	679,605	106,772	106,772	122,076	122,076	...	...
Relation of obligations to outlays:								
Total obligations.....	612,615	612,615	188,610	188,610	122,076	122,076	...	...
Obligated balance, start-of-year.....	939,192	939,192	1,090,799	1,090,799	848,487	848,487	...	...
Obligated balance, end-of-year.....	-1,090,799	-1,090,799	-848,487	-848,487	-365,233	-365,233	...	...
Adjustment in unexpired accounts.....	-3,114	-3,114	...	...	...	...	...	...
Outlays.....	489,494	489,494	603,922	603,922	422,350	422,350	...	...

DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
VIOLENCE CRIME REDUCTION PROGRAMS
ESTIMATE FOR FISCAL YEAR 1978
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Office of Justice Programs
Violent Crime Reduction Programs
Summary Statement
Fiscal Year 1996

The Violent Crime Control and Law Enforcement Act of 1994 sends a clear, strong message about the Nation's law enforcement strategy. It provides a balance between enforcement, punishment, and prevention programs and tough new sanctions in Federal law. The Violent Crime Reduction Trust Fund (VCRTF) will support these new programs. Federal workforce reductions, as required by the Federal Workforce Restructuring Act of 1994, will provide the resources necessary to finance the VCRTF. OJP is requesting that \$1.6 billion be made available from the VCRTF to help States and localities take the following steps to escalate their battle against crime: to expand prison space by building new prisons and jails and localities, and to construct such alternative facilities as boot camps; at least half of the funds will go to States that have adopted "truth in sentencing laws," ensuring that convicted violent offenders serve at least 85 percent of their sentences behind bars; to combat violence against women by developing and strengthening effective law enforcement and prosecution strategies in dealing with violence against women and by providing victim services; to confront domestic violence through strong arrest-oriented programs and training in dealing with domestic violence situations and victims of domestic violence; to establish and update law enforcement technologies to create a national criminal history data resource, and the ability to perform DNA testing and maintain and share that information; and to expand the war on drugs by establishing drug courts to "break the cycle of substance abuse and crime" by providing continuing judicial supervision and coerced abstinence and treatment to non-violent offenders. OJP's request for VCRTF funding also includes programs for research, telemarketing fraud, motor vehicle theft and anti-gang activity.

Office of Justice Programs
Violent Crime Reduction Programs
Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

VIOLENT CRIME REDUCTION PROGRAMS

[STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE]

[For grants, contracts, cooperative agreements, and other assistance to carry out the provisions of subpart 1 of part 2 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, and funding the following activities: (1) the action of said Act, \$40,000,000, to remain available until expended, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program.]

[STATE CRIMINAL RECORDS UPGRADE]

[For grants, contracts, cooperative agreements, and other assistance authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, Public Law 103-159 (107 Stat. 1326), \$100,000,000 to remain available until expended, of which \$20,000,000 shall be used for the National Instant Background Check System. Provided, That not to exceed one percentum of the amount appropriated herein shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.]

[STATE CORRECTIONAL GRANTS]

[For grants to States to develop, construct, or expand military style boot camp prison programs which include coordinated, intensive aftercare services for inmates following release, That \$20,000,000 shall remain available until expended, of which \$2,000,000 shall be used for the amount appropriated herein, not to exceed one percentum of the amount appropriated herein, shall be available for salaries and expenses for management and administration to be transferred to and merged with the appropriations for Justice Assistance.]

[DRUG COURTS]

[For grants, contracts, cooperative agreements, and other assistance to implement drug court programs which combine

~~personnel for other routine operations costs, \$1,604,000 for grants for~~
~~Assistance for Delinquent and At-Risk Youth, as authorized by section~~
~~30702 of the 1994 Act, \$900,000 for the Missing Alzheimer's Disease~~
~~Patient Alert Program, as authorized by section 24000(c) of the 1994~~
~~Act, \$1,500,000 for grants to states to improve access to processes for~~
~~entering data regarding stalking and domestic violence into local, state,~~
~~and national crime information databases, as authorized by section 40503~~
~~of the 1994 Act, \$1,552,000 for grants to states for family unity~~
~~reconciliation projects, as authorized by section 31004(b)(1) of the~~
~~1994 Act, \$1,600,000 to be made available to the Bureau of Prisons for~~
~~Family Unity Programs, as authorized by section 31004(b)(2) of the 1994~~
~~Act, \$1,600,000 for grants to states for research on domestic violence~~
~~by section 31004(b)(2) of the 1994 Act, \$1,600,000 for grants to states and~~
~~units of local government for projects to improve DNA analysis, as~~
~~authorized by section 1001(a)(22) of the 1994 Act, \$1,600,000 for~~
~~Technical Automation Improvement Grants, as authorized by section~~
~~210501(c)(1) of the 1994 Act, \$5,000,000 for Community-Based Justice~~
~~Grants for Prosecutors, as authorized by section 31707 of the 1994 Act,~~
~~\$200,000 for grants to assist in establishing and operating programs for~~
~~the prevention, diagnosis, treatment and followup care of tuberculosis~~
~~among inmates of correctional institutions, as authorized by section~~
~~32001(c)(3) of the 1994 Act, \$1,200,000 for grants for family support~~
~~programs, as authorized by section 32001(c)(3) of the 1994 Act, \$1,200,000~~
~~for Motor Vehicle Theft Prevention Programs, as authorized by section~~
~~220002(h) of the 1994 Act, \$300,000 for public awareness programs~~
~~addressing marketing scams aimed at senior citizens, as authorized by~~
~~section 250005(3) of the 1994 Act, \$1,000,000 for the Presidential Summit~~
~~on Crime and Violence and the National Commission on Crime Prevention and~~
~~Control, as authorized by section 270003 of the 1994 Act, \$1,000,000 for~~
~~gang investigation coordination and information collection, as authorized~~
~~by section 350008 of the 1994 Act, \$1,000,000 for training programs~~
~~authorized by section 40152 of the 1994 Act, \$200,000 to study and report~~
~~on the status of current centralized databases on the incidence of sexual~~
~~assault, as authorized by section 40202(c) of the 1994 Act, and~~
~~\$200,000 for a National Bullying Study, as authorized by section 40306 of~~
~~the 1994 Act. Provided further, That any 1993 program~~
~~for these programs shall be transferred to and merged with this appropriation.~~

Explanation of Changes:

1. The first change deletes current language for State and Local Law Enforcement Assistance as provided in 1995.
2. The second change deletes current language for State Criminal Records Upgrade as provided in 1995.
3. The third change deletes current language for State Correctional Grants as provided in 1995.
4. The fourth change deletes current language for Drug Courts as provided in 1995.
5. The fifth change deletes current language for Grants to Combat Violent Crimes Against Women as provided in 1995.
6. The sixth change deletes current language for the State Criminal Justice System as provided in 1995.
7. The seventh change provides language that incorporates all programs requested in 1996 that are authorized by the Violent Crime Control and Law Enforcement Assistance Act of 1994.

Office of Justice Programs
Violent Crime Reduction Programs
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 Adjusted President's Budget Request	Congressional Appropriation Action on 1995 Request	Transfers for Administration	Reprogramming	1995 Appropriation Enacted
1. Byrne Law Enforcement Assistance.....	\$125,000	\$125,000	...	...	\$450,000
2. Criminal Records Upgrade.....	...	100,000	-\$1,000	...	99,000
3. Correctional Facilities Grants.....	...	24,500	-245	...	24,255
4. Drug Courts.....	...	29,000	-290	...	28,710
5. Violence Against Women.....	...	26,000	-260	...	25,740
6. State Criminal Alien Assistance.....	350,000	-220,000	-1,100	...	128,700
Total.....	475,000	284,500	-3,095	...	756,405

* For presentation purposes only. The Byrne program was included under the Justice Assistance appropriation and the State Criminal Alien Assistance program was requested as a separate appropriation.

Congressional Appropriation Actions. With the passage of the Violent Crime Control and Law Enforcement Act of 1994 (VCLLEA), Congress provided six additional appropriation accounts were established for the activities listed above. Congress provided an increase of \$225 million for the Byrne Law Enforcement Assistance program bringing the total for the Byrne Formula Grant Program to \$450 million. In addition, congressional action provided funding for the first time for the following programs: Criminal Records Upgrade - \$100 million; Correctional Facilities Grants - \$24.5 million; Drug Courts - \$29 million; and Violence Against Women \$26 million. Congress provided a decrease of \$220 million for the State Criminal Alien Assistance Program, the amount authorized in the VCLLEA.

Transfer to Justice Assistance. Provides \$1,095,000 for administration of the Violent Crime Reduction Programs. This presentation agrees with the 1994 President's Budget Request. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are scored against the Trust only, these transfers will be treated as reimbursements.

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Reported FY Programs
(Dollars in thousands)

	1995 Appropriation			1995 Base			1995 Estimate			Increase/Decrease		
	Per.	MX	Amount	Per.	MX	Amount	Per.	MX	Amount	Per.	MX	Amount
Estimates by Program												
VIOLENT CRIME REDUCTION PROGRAMS:												
Byrne Law Enforcement Assistance.....	\$450,000	...	...	\$260,000	...	...	\$260,000	...	...	...
Criminal Justice Upgrade Program.....	99,000	...	...	99,000	...	...	24,750	...	...	-974,250
Correctional Facilities Grants.....	24,255	...	...	24,255	...	...	495,000	...	...	470,745
Drug Courts Grants.....	28,710	...	...	28,710	...	...	148,500	...	...	119,790
Violence Against Women Act Programs.....	25,740	...	...	25,740	...	...	163,350	...	...	137,610
State Criminal Alien Assistance Program.....	128,700	...	...	128,700	...	...	297,000	...	...	168,300
Local Crime Prevention Block Grants.....	29,700	...	...	29,700
Model Intensive Prevention Block Grants.....	47,734	...	...	47,734
State Prison Drug Treatment Program.....	26,730	...	...	26,730
Rural Law Enforcement Program.....	10,149	...	...	10,149
Youthful Offender Incarceration Grants.....	9,547	...	...	9,547
Other Crime Control Programs:												
Child Abuse and Neglect Grants.....	6,000	...	...	6,000	...	...	...
Child Abuse Training Programs for Judicial Personnel and Practitioners.....	750	...	...	750	...	...	...
Grants for Televised Testimony.....	280	...	...	280
State Court Assistance Grants.....	10,979	...	...	10,979
Assistance for Delinquent and At-Risk Youth.....	1,588	...	...	1,588
Missing Alzheimer's Disease Patient Alert Program.....	750	...	...	900	...	...	150
Access to Federal Criminal Information (Stalking and Domestic Violence).....	1,485	...	...	1,485
Family Unity Demonstration Projects (State Grants).....	1,546	...	...	1,546
Prisoners.....	356	...	...	356
DNA Identification - State Grants.....	477	...	...	477
Technical Automation Improvement.....	4,774	...	...	4,774
Community-Based Justice Grants for Prosecutors.....	4,950	...	...	4,950
Tuberculosis Prevention and Treatment in Correctional Institutions.....	198	...	...	198
Family Support Programs.....	1,193	...	...	1,193
Motor Vehicle Theft Prevention.....	1,485	...	...	1,485
Enhanced Penalties for Telemarketing Fraud Against Seniors.....	495	...	...	495
Practical Summit on Violence and National Commission on Crime Prevention and Control.....	990	...	...	990
Gang Investigation Coordination and Information Collection.....	990	...	...	990
Training Programs.....	990	...	...	990
State Databases Study.....	198	...	...	198
National Study on Campus Sexual Assault.....	198	...	...	198
Subtotal, Other Crime Control Programs.....	7,500	...	...	40,782	...	...	33,282
Total.....	756,405	...	...	573,905	...	...	1,553,252	...	...	979,347

Office of Justice Programs
Violent Crime Reduction Programs
Justification of Program and Performance
Activity Resources Summary
(Dollars in thousands)

1995 Appropriation			1995 Base			1996 Estimate			Increase/Decrease		
Anticipated											
Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount	Perm.	NY	Amount
FOEL			FOEL			FOEL			FOEL		
...	...	\$450,000	...	...	\$260,000	...	...	\$260,000	...	...	...
Activity: Edward Byrne Formula Grants.....											
LONG-RANGE GOAL: To reduce and prevent crime and violence and to improve the functioning of the criminal justice system at the State and local levels.											

MAJOR OBJECTIVES:

To encourage the establishment of policies, the development of strategies and reallocation or targeting of resources to increase the effectiveness and efficiency of drug- and crime-control/prevention efforts.

To provide State and local criminal justice agencies with state-of-the-art information on innovative and effective programs, practices, and techniques.

To improve and enhance the capability of State and local agencies to engage in effective drug- and crime-control/prevention activities.

To encourage and facilitate coordination and cooperation.

To assess the impact of program activities on drug and crime problems and the criminal justice system.

BASE PROGRAM DESCRIPTION: The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, authorized by the Anti-Drug Abuse Act of 1988, is to assist States and units of local government in carrying out specific programs that have a high probability of improving the functioning of the criminal justice system with special emphasis on drug control and crime control. The program is designed to support national drug control priorities. Programs and projects are developed to assist multijurisdictional and multistate efforts to control drugs and to support national drug control priorities. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 26 purpose areas to control drugs and improve the criminal justice system.

In 1996 \$260 million, the maximum amount authorized by the Violent Crime Control and Law Enforcement Act of 1994, is requested for the Formula Grant Program from the Violent Crime Trust Fund; \$130 million is requested through direct appropriation to the State and Local Law Enforcement Assistance account. In total, \$450 million is requested to maintain the Formula Grant Program at the same level as 1995, enabling States to continue current activities and to address new problems.

The Byrne formula grant funds are distributed to the States by a formula which provides each State a base amount of .25 percent of total funds available or \$500,000, whichever is greater, with the remainder distributed to the States on a population share basis. A percentage of each State's formula award must be used for projects at the local level, based on the proportion of local criminal justice expenditures to total State and local criminal justice expenditures. The 30 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are eligible to receive a formula grant award. The States, in consultation with State and local officials, develop statewide criminal justice systems and funding strategies to address their drug and violent crime problems and to improve the functioning of their criminal justice systems while simultaneously addressing criminal justice needs and objectives. The program provides financial assistance, based on need, to State and local agencies to address the problems of drugs and crime in the Nation's towns and communities.

ACCOMPLISHMENTS AND WORKLOAD: Detailed discussion regarding program accomplishments and workload is presented in the State and Local Law Enforcement Assistance section of OJP's budget estimates.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Edward Byrne Formula Grants.....	...	\$260,000	...	\$260,000	...	...

In 1995 \$450 million was appropriated from the Violent Crime Reduction Trust Fund (VCRF). In 1996, \$260 million, the maximum authorized, is requested from the VCRF, \$190 million is requested from direct appropriation under the State and Local Law Enforcement Assistance account. In total \$450 million is requested in 1996, the same as the 1995 level.

1995 Appropriation

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Activity: Criminal Records Upgrade.....	...	\$99,000	...	\$99,000	...	...
	...	\$99,000	...	\$24,750	...	-\$74,250

LONG-RANGE GOAL: To enhance the quality, completeness, and accessibility of the nation's criminal history record systems.

MAJOR OBJECTIVES: To assist states in improving the level of criminal history record automation, accuracy, completeness, and identification, and to transmit records to the national system.

BASE PROGRAM DESCRIPTION: This program implements the grant provisions of the Brady Handgun Violence Prevention Act and the National Child Protection Act of 1993, and those provisions of the Omnibus Crime Control and Safe Street Act of 1968, as amended, and the Violent Crime Control and Law Enforcement Act of 1994 (VCLLCA) which pertain to the establishment, maintenance, or use of criminal history records and criminal record systems. At least one grant will be made to each state and technical assistance will be provided under grant awards to assist states in identifying areas of weakness, auditing record status, long term planning and developing and implementing technical and administrative programs.

ACCOMPLISHMENTS AND WORKLOAD: During 1995, BJS initiated the National Criminal History Improvement Program (NCHIP) to assist states in automating criminal history record systems and improving the accuracy, completeness and availability of criminal history records. From the \$100 million appropriated in FY 1995 under the authorities of Section 106(b) of the Brady Handgun Violence Prevention Act, an award will be made to every state and technical assistance will be provided to the states at no cost. An award will also be made to conduct a long term evaluation of the joint impact of the NCHIP program and the use of the 5 percent set-aside of Byrne Formula funds which is required to be expended for improving criminal justice records. Exploratory efforts will also be undertaken to identify issues and implement procedures to interface between criminal record systems and data bases holding information on other categories of individuals who are prohibited from purchase of a firearm under Federal or state statute.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount
Criminal Records Upgrade.....	...	\$99,000	...	\$24,750	...	-\$74,250

Of the amounts authorized in Sections 103(k) and 106(b)(2) of the Brady Handgun Violence Prevention Act and in Section 4(b) of the National Child Protection Act of 1993, a total of \$25,000,000 in 1996 is requested to fund the second year of state programs designed to facilitate implementation of the National Instant Criminal Background Check System (NICS). The NICS is required under the Brady Handgun Violence Prevention Act to be established no later than November 1998. These funds are requested to be made available from the Violent Crime Reduction Trust Fund and represent the maximum authorized under the VCLEA for 1996. These funds will also be used to support efforts in state to provide access to databases on prohibited categories of persons other than felons. In particular, the effort will focus on development of procedures to provide immediate access to data on persons under civil restraining orders arising out of domestic violence.

1995 Appropriation

	1995 Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount
Activity: Correctional Facilities Grants.....	...	\$24,255	...	\$24,255	...	\$495,000	...	\$470,745

LONG-RANGE GOAL: To enhance the capability of states to confine violent offenders in secure facilities and ensure that violent offenders remain incarcerated for substantial periods of time through the implementation of truth in sentencing laws.

MAJOR OBJECTIVES:

To provide assistance to states in the construction, renovation, and improvement of conventional correctional facilities for the confinement of violent offenders.

To provide assistance to states in the construction, renovation, and improvement of alternative correctional facilities that can free conventional prison space for the confinement of violent offenders.

To promote the implementation of truth in sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed.

BASE PROGRAM DESCRIPTION: This program implements Subtitle A of Title II of the Violent Crime Control and Law Enforcement Act of 1994. The program awards formula and discretionary grants to states, insular territories, and the District of Columbia, to construct, develop, expand, modify, or improve correctional facilities, including boot camps, facilities for alternative sentencing, and other correctional facilities that will free secure prison space for the confinement of violent offenders. The program also awards grants to states, insular territories, and the District of Columbia, to support the implementation of truth in sentencing laws that ensure that violent offenders serving substantial portions of the sentence are actually in prison time served that is proportionately related to the violent crime committed and is for a period sufficiently long to protect the public. Other assurances include state submission of a comprehensive correctional plan that represents an integrated approach to the management and operation of correctional facilities and programs and recognition of the rights and needs of crime victims.

ACCOMPLISHMENTS AND WORKLOAD: Interim final regulations were published in the Federal Register on December 7, 1994. Program guidelines and application/information material were printed and made available in February 1995. It is anticipated that grant awards for the 1995 Boot Camp Program will be made in the summer of 1995.

PROGRAM CHARTER:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount

Correctional Facilities Grants..... \$24,255 ... \$495,000 ... \$470,745

The 1996 request represents the amount expected to be needed for the costs of planning and initial implementation of this largely construction-oriented program.

1995 Appropriation

	1995 Base		1995 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount

Activity: Drug Courts..... \$28,710 ... \$28,710 ... \$119,790

LONG-RANGE GOAL: To improve public safety and reduce criminal recidivism through intensively supervised drug treatment for drug addicted, non-violent criminal offenders.

MAJOR OBJECTIVES:

Provide financial and technical assistance for states, state courts, units of local government, local courts and Indian tribal governments to develop and implement treatment drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, and sanctions to break the cycle of substance abuse and crime.

BASE PROGRAM DESCRIPTION: As enacted by section 50001 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA), the Drug Courts program will provide financial and technical assistance for states, state courts, units of local government, local courts and Indian tribal governments to develop and implement treatment drug courts that employ the coercive power of the courts to subject non-violent offenders to an integrated mix of treatment, substance abuse testing, sanctions and services to break the cycle of substance abuse and crime.

ACCOMPLISHMENTS AND WORKLOAD: The following accomplishments have been achieved since inception of this program:

- The Bureau of Justice Assistance established a Drug Court Resource Center to provide technical assistance to jurisdictions around the country interested in planning for and implementing drug court.
- In November, 1994, the Office of Justice Programs (OJP) established a new Drug Courts Program Office to administer this program. This program office is also assuming responsibility for the Drug Court Resource Center.
- OJP published proposed regulations in the *Federal Register* in January, 1995.
- OJP is publishing and disseminating during March, 1995, Drug Court Program Guidelines and Application Information. This publication is the product of an coordinated effort of OJP and its component offices and bureaus, and the Department of Health and Human Services.

PROGRAM CHANGE:

	1996 Base			1996 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount
Drug Courts.....	\$28,710	...	...	\$148,500	...	...	\$119,790

The 1996 request represents the entire amount authorized in the VOCLRA for 1996. The increase will allow more effective grants to be available to States than in 1995, enabling significantly more widespread and functional implementation of the drug court strategy. Anticipated

1995 Appropriation

	1995 Base			1995 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount

Activity: Violence Against Women Act:

	1995 Base			1995 Estimate			Increase/Decrease		
	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount	Perm. Pos.	NY Amount	FX Amount
Law Enforcement and Prosecution Grants.....	...	\$25,740	...	...	\$25,740	...	...	\$128,700	...
Encourage Arrest Policies.....	27,720	...	...	27,720
Rural Domestic Violence Enforcement.....	6,930	...	...	6,930

LONG-RANGE GOALS: To develop and strengthen effective coordinated and integrated law enforcement and prosecution strategies and related victim services in cases involving violent crimes against women.

To strengthen the criminal justice system's response to domestic violence and ensure that domestic violence is treated as a serious violation of criminal law.

To enhance the capability of States, Indian tribal governments, and local governments in rural areas to respond in a coordinated and integrated manner to incidents of domestic violence and child abuse.

MAJOR OBJECTIVES:

To expand the formula grant program established in 1985 to promote the apprehension, prosecution, and adjudication of persons committing violent crimes against women.

To continue to encourage States and localities to restructure the criminal justice response to violent crimes against women.

To continue the development of a comprehensive set of strategies in response to violent crimes against women that draw on the experiences of all of the key components of the criminal justice system, including the advocacy community.

To encourage States, units of local government, and Indian tribal governments to implement mandatory arrest or proarrest programs and policies in response to domestic violence incidents, including mandatory arrest programs and policies for violations of protection orders.

To enhance the capability of all components of the criminal justice system to respond consistently and in a coordinated and integrated manner to cases involving domestic violence.

To enhance cooperation among all components of the criminal justice system in rural States and localities in responding to incidents of domestic violence and child abuse.

BASE PROGRAM DESCRIPTION: These programs implement Section 40121, "Law Enforcement and Prosecution Grants," Section 40231, "Encouraging Arrest Policies," and Section 40295, "Rural Domestic Violence and Child Abuse Enforcement Assistance," of the Violent Crime Control and Law Enforcement Act of 1994 (VCLLCA), further amending the Omnibus Crime Control and Safe Streets Act of 1968.

The "Law Enforcement and Prosecution Grants" program awards formula grants to States, units of local government, and tribal governments to develop a proactive, coordinated, and integrated strategy to respond to violent crimes against women. The development of such a strategy necessitates collaboration among police, prosecutors, the courts, and victim services providers. Examples of the types of innovative approaches that may be supported with grant funds include:

1. Comprehensive training programs to change attitudes that traditionally have prevented the criminal justice system from responding adequately to violent crimes against women;
2. Specialized units within police departments and prosecutors' offices, or specialized multidisciplinary units, devoted exclusively to handling domestic violence and/or sexual assault cases;
3. Sexual trauma units in emergency rooms where forensic examinations, victim counseling, and victim advocacy are equally available;
4. Strategies that maximize resources by establishing regional approaches, such as the registration and enforcement of protective orders;
5. Procedures to achieve better coordination between civil and criminal courts in cases involving violence against women; and
6. Victim services that address the special needs of women from minority and ethnic communities, women with disabilities, and non-English-speaking women.

The "Encouraging Arrest Policies" program awards discretionary grants to States, units of local government, and Indian tribal governments to: implement mandatory arrest or proarrest programs and policies in police departments, including mandatory arrest programs and policies for protection order violations; provide training to improve police tracking of cases involving domestic violence; centralize and coordinate police enforcement, prosecution, and/or judicial responsibility for domestic violence cases; coordinate computer tracking systems to ensure communication among police, prosecutors, and criminal and family courts; strengthen legal advocacy service programs for domestic violence victims; and educate judges in criminal and other courts about domestic violence to improve judicial handling of such cases. The program requires States to demonstrate that their laws, policies, and/or practices discourage dual arrests of the offender and victim; prohibit the issuance of mutual protection orders (except in cases in which both parties file a claim and the court finds that they both acted primarily as aggressors and that neither acted primarily in self-defense); and do not require that the abused person bear the costs associated with filing criminal charges or service of such charges on the abuser, or issuance of service of a warrant, protection order, or witness subpoena.

The "Rural Domestic Violence and Child Abuse Enforcement Assistance" program awards discretionary grants to rural States, Indian tribal governments, local governments in rural States, and public or private entities in rural States to establish and expand cooperative efforts and projects among law enforcement officials, prosecutive officials, legal advocates, and community organizations to investigate and prosecute incidents of domestic violence and child abuse; coordinate and strengthen law enforcement and prosecutive efforts; and conduct research and provide technical assistance to develop education and prevention strategies to address domestic violence and child abuse.

ACCOMPLISHMENTS AND WORKLOAD: The "Law Enforcement and Prosecution Grants" is a new grant program in 1995; grants based on 1995 funds will be awarded in April 1995.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Violence Against Women Act:						
Law Enforcement and Prosecution Grants.....	...	\$25,740	...	\$128,700	...	\$102,960
Encourage Arrest Policies.....	27,720	...	27,720
Rural Domestic Violence Enforcement.....	6,930	...	6,930

The 1996 request represents the total amount authorized for 1996 in the VOCLRA. This increase will greatly speed the national implementation of these programs and move States toward a comprehensive response to violent crimes against women.

1995 Appropriation

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount	Perm. Pos.	MY Amount
Activity: State Criminal Alien Assistance....	...	\$128,700	...	\$128,700	...	\$168,300

LONG-RANGE GOAL: To reimburse States for the costs of incarcerating criminal aliens.

MAJOR OBJECTIVES: To make grants to States to reimburse them for costs associated with incarcerating criminal aliens convicted of a felony by the State.

BASE PROGRAM DESCRIPTION: As authorized by the Violent Crime Control and Law Enforcement Act of 1994 (VCLCEA), compensation is provided to States or a political subdivision of a State for a portion of the costs of incarcerating an undocumented criminal alien. Compensation is based on the average cost of incarceration of a prisoner in the relevant State as determined by the Attorney General.

ACCOMPLISHMENTS AND WORKLOAD: In 1995, the language in the Appropriations Act differed from the language in the Crime Act by limiting authorized reimbursements to States only. The 1995 Act also required that BJA distribute one-third of the total appropriation, or approximately \$42,900,000, within 120 days of the start of the fiscal year. BJA published an interim rule in the Federal Register on October 6, 1994. The seven States with the largest populations of incarcerated criminal aliens were invited to submit applications by November 30, 1994. Awards totaling \$42,897,000 were made to the States of Arizona, California, Florida, Illinois, New Jersey, New York and Texas within the required 120 days. Applications for final distribution of available 1995 funds under this program are due by September 30, 1995, from these States as well as others that incarcerate criminal aliens.

PROGRAM CHANGE:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Fygl.	NY Amount	Perm. Fygl.	NY Amount	Perm. Fygl.	NY Amount
State Criminal Alien Assistance.....	...	\$128,700	...	\$297,000	...	\$168,300

The VCLCEA provides an increased authorized program level in 1996, from \$130 million in 1995 to \$300 million. This increase will continue to provide for the implementation of the program as defined in the VCLCEA, which allows for reimbursements to States and local units of government.

1995 Appropriation

	Anticipated		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Fygl.	NY Amount	Perm. Fygl.	NY Amount	Perm. Fygl.	NY Amount	Perm. Fygl.	NY Amount
Activity: Local Crime Prevention Block Grants	\$29,700	...	\$29,700

LONG-RANGE GOAL: To increase the capability of units of local government in targeting prevention, intervention and treatment as methods of crime prevention.

MAJOR OBJECTIVES: To support local government crime prevention efforts designed to reach at risk children, youth and families. Authorized model programs and activities include: anti-gang programs, sports leagues, boys and girls clubs, partnerships (trials) between the elderly and law enforcement, police partnerships for children and youth skills programs.

BASE PROGRAM DESCRIPTION: This program is authorized by Section 30201 of the Violent Crime Control and Law Enforcement Act of 1994. It establishes a criminal justice block grant program for units of local governments for 14 listed crime prevention purposes. The funding for localities is to be determined on a formula basis, with priority going to those with high rates of serious and violent crime.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Local Crime Prevention Block Grants.....
				\$29,700		\$29,700

The 1996 request represents a portion of the 1996 authorization provided by the VCCEA.

1995 Appropriation

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Activity: Model Intensive Prevention Block Grants.....
				\$47,734		\$47,734

LONG-RANGE GOAL: To support local efforts to develop comprehensive crime prevention programs in chronic, high-intensive crime areas.

MAJOR OBJECTIVES:

Grants may be awarded to not more than 15 chronic, high-intensive crime areas to develop comprehensive model programs that:

- involve and utilize a broad spectrum of community resources, including nonprofit community organizations, law enforcement organizations, and appropriate State and Federal agencies, including the State educational agencies;
- attempt to relieve conditions that encourage crime; and
- provide meaningful and lasting alternatives to involvement in crime.

BASE PROGRAM DESCRIPTION: This is a new competitive grant program for model crime prevention programs targeted at high crime neighborhoods. It is authorized by section 30301 of the Violent Crime Control and Law Enforcement Act of 1994. Up to 15 cities will be selected. Priority shall be given to proposals that:

- are innovative in approach to the prevention of crime in a specific area;
- vary in approach to ensure that comparisons of different models may be made; and
- coordinate crime prevention programs funded under this program with other existing Federal programs to address the overall needs of communities that benefit from grants received under this title.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount	Perm. Pos.	NY Amount
Model Intensive Prevention Block Grants.....
				\$47,734		\$47,734

The request provides a portion of the 1996 authorization provided by the VCCEA.

BASE PROGRAM DESCRIPTION: The Rural Drug Enforcement Assistance Grant Program, authorized by the Omnibus Crime Control and Safe Streets Act of 1968, was authorized at \$20 million for FY 1991, and such sum as may be necessary for FY 1992. A stopgap reauthorization measure, however, authorized an increase to \$20 million for FY 1993, and such sum as may be necessary for FY 1994. The Omnibus Crime Control and Safe Streets Act of 1994 (VOCRA) authorized the continuation of the program through FY 2000 with annual increases in the authorization level beginning with a \$24 million reauthorization in FY 1996 and culminating at \$66 million in FY 2000. The VOCRA also increases the base award amounts from \$100,000 to \$350,000 per State. The total appropriation is split 50/50 between rural and nonrural States (for use in non-metropolitan areas) before base awards are made from the nonrural portion. Rural States are defined as those States that have a population density of fifty-two or fewer persons per square mile or a State in which the largest county has fewer than one hundred and fifty thousand people based on the decennial census of 1990 through fiscal year 1997. Funds may be used in rural areas for the same 26 purposes areas authorized under the Byrne Program.

ACCOMPLISHMENTS AND WORKLOAD: Since the program's authorization on November 29, 1990, there has not been an enacted appropriation made for its implementation.

PROGRAM CHANGE:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount
Rural Law Enforcement.....	\$10,149	...	\$10,149

The request represents a portion of the 1996 amount authorized by the VCCLLEA.

1995 Appropriation

	<u>Anticipated</u>				<u>1996 Base</u>				<u>1996 Estimate</u>				<u>Increase/Decrease</u>		
	<u>Perm.</u>	<u>WY</u>	<u>Amount</u>		<u>Perm.</u>	<u>WY</u>	<u>Amount</u>		<u>Perm.</u>	<u>WY</u>	<u>Amount</u>		<u>Perm.</u>	<u>WY</u>	<u>Amount</u>
	<u>FOL.</u>				<u>FOL.</u>				<u>FOL.</u>				<u>FOL.</u>		
Activity: Youthful offender incarceration..	\$9,547	...	...	...	\$9,547

LONG-RANGE GOAL: To increase the capability of states and local governments to provide alternative sanctions for young offenders.

MAJOR OBJECTIVES:

To provide assistance to states in developing alternative methods of punishment for young offenders rather than the traditional forms of incarceration and probation.

To ensure certain punishment for young offenders and promote reduced recidivism, crime prevention, and assistance to victims.

BASE PROGRAM DESCRIPTION: This program implements section 20201 of the Violent Crime Control and Law Enforcement Act of 1994. The program awards formula grants to states to develop and implement alternative sanctions for young offenders including the following:

- alternative sanctions that create accountability and certain punishment for young offenders;
- restitution programs for young offenders;
- innovative projects, such as projects consisting of education and job training activities for incarcerated young offenders, modeled, to the extent practicable, after activities carried out under Part B of title IV of the Job Training Partnership Act (relating to Job Corps) (29 U.S.C. 1691 et seq.) and projects that provide family counseling;
- correctional options, such as community-based incarceration, weekend incarceration, and electronic monitoring of offenders;
- community service programs that provide work service placement of young offenders at non-profit, private organizations and community organizations;
- innovative methods that address the problems of young offenders convicted of serious substance abuse (including alcohol abuse) and gang-related offenses; and
- adequate and appropriate aftercare programs for young offenders, such as substance abuse treatment, education programs, vocational training, job placement counseling, family counseling and other support programs upon release.

PROGRAM CHANGE:

	1995 Base		1996 Estimate		Increase/Decrease	
	Perm.	Amount	Perm.	Amount	Perm.	Amount
	Pos.	NY	Pos.	NY	Pos.	NY
Youthful Offender Incarceration.....	\$9,547
						...

The 1996 request represents a portion of the 1996 authorization provided by the VCCEA.

	1995 Appropriation		1996 Base		1996 Estimate		Increase/Decrease	
	Perm. Forl.	NY Amount	Perm. Forl.	NY Amount	Perm. Forl.	NY Amount	Perm. Forl.	NY Amount
Activity:								
Other Crime Control Programs:								
Court Appointed Special Advocate.....	\$6,000	...	\$6,000	...	...
Child Abuse Training Programs for Judicial Personnel and Practitioners.....	750	...	750	...	...
Grants for At-Risk Youth.....	250	...	\$250
State Court Assistance Grants.....	10,979	...	10,979
Assistance for Delinquent and At-Risk Youth.....	1,588	...	1,588
Missing Alzheimer's Disease Patient Alert Program.....	750	...	900	...	150
Access to Federal Criminal Information (Stalking and Domestic Violence).....	1,485	...	1,485
Family Unity Demonstration Projects (State Grants).....	1,546	...	1,546
Family Unity Demonstration Projects for Federal Prisoners.....	356	...	356
DNA Identification - State Grants.....	477	...	477
Technical Automation Improvement.....	4,774	...	4,774
Community-Based Justice Grants for Prosecutors.....	4,950	...	4,950
Tuberculosis Prevention and Treatment in Correctional Institutions.....	198	...	198
Family Support Programs.....	1,193	...	1,193
Motor Vehicle Theft Prevention.....	1,485	...	1,485
Enhanced Anti-Cyberstalking Fraud	495	...	495
Assistant Attorneys General.....	990	...	990
Presidential Summit on Violence and National Commission on Crime Prevention and Control.....	990	...	990
Gang Investigation Coordination and Information Collection.....	990	...	990
Training Programs.....	990	...	990
State Databases Study.....	198	...	198
National Study on Campus Sexual Assault.....	198	...	198

These programs were authorized/reauthorized by the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) the Administration's landmark legislation to fight crime at all levels of our society. The VCCLEA further mandates that authorities included in the Act shall be funded from the Violent Crime Reduction Trust Fund, a fund established to receive savings realized from the implementation of the Federal Workforce Restructuring Act of 1994.

Court Appointed Special Advocate - \$6,000,000

LONG-RANGE GOAL: To provide a Court Appointed Special Advocate (CASA) to every victim of child abuse or neglect in the U.S. that needs such an advocate.

MAJOR OBJECTIVES: To provide technical assistance, information, and support to Court Appointed Special Advocate (CASA) programs, as well as information and assistance to communities developing new programs, and provide support to existing and developing State organizations on issues such as the development of goals and objectives, State legislation, and State standards to strengthen local programs.

To promote and enhance effective, well-managed programs providing volunteer representation of children, by frequently reviewing, updating, and revising National Court Appointed Special Advocate Association Program Standards and Recommended Management Practices; to assure that CASA/OLC (Guardian Ad-Litem) Programs have available the best, most current information on excellence in CASA programs in order to develop tools for use in assessing program quality; and to maintain a resource library for program reference.

To provide specialized training for CASA program staff, promote use of a comprehensive volunteer training curriculum, provide inter-disciplinary training and discussion of issues affecting abused children, and promote national recognition for CASA as a respected, vital child advocacy organization.

BASE PROGRAM DESCRIPTION: The National Court Appointed Special Advocate program is authorized by Section 215 of the Victims of Child Abuse Act, as amended. The program is administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This appropriation supports technical assistance, training and expansion of the nationwide CASA program. This project recognizes the need for technical assistance in program development and implementation, management, training, volunteer recruitment and diversification, legal and liability issues, resource development and public relations, so that CASA programs can effectively complement the services provided to children and their families through the existing juvenile court and social service delivery systems. To advance the program services/growth objectives of this project, the National Court Appointed Special Advocate Association (NCAASA) provides on-going direct consultation and referral to CASA programs and other resources. A 1-800 telephone line successfully facilitates technical assistance and personal consultation between program members and national professional staff. NCAASA continues to encourage the development of unified, strong organizations at the State level for the purpose of support for new programs, communication among existing programs, training, development of standards for program quality and consistency, and advocacy with their State legislatures.

ACCOMPLISHMENTS AND WORKLOAD: This program was previously funded under the Juvenile Justice Programs account; therefore accomplishments and workload are discussed there.

Child Abuse Training Programs for Judicial Personnel and Practitioners - \$750,000

LONG-RANGE GOAL: To develop, refine, and implement model training and technical assistance programs to improve the juvenile and family courts' handling of abuse and neglect cases and to design model programs to improve State court systems.

MAJOR OBJECTIVES: To develop resource guidelines for the juvenile and family courts' handling of abuse and neglect cases and a comprehensive training curriculum designed to improve the judicial system's handling of abuse and neglect cases.

To develop a technical assistance package that will allow for the transfer of preferred practice and resource guidelines to other juvenile court jurisdictions to improve the effectiveness of processing child abuse and neglect cases.

BASE PROGRAM DESCRIPTION: The Judicial Child Abuse Training Program was authorized by Section 223(a) of the Victims of Child Abuse Act of 1990, to develop model technical assistance and training programs to improve the court system's handling of child abuse and neglect cases. Under this program, a comprehensive set of resource guidelines is needed by the Nation's juvenile and family courts to highlight a fundamental lack of resources and other institutional barriers to conducting careful and complete hearings and issuing subsequent court determinations. The resource guidelines will address the who, what, why, when, and how of each court proceeding and will describe what each hearing should cover, who should be present, and how much time should be allowed for the hearing. The resource guidelines will include recommendations applicable to all courts, not just by specific standards applicable to urban courts and specific standards applicable to rural courts. The resource guidelines will be developed by a panel of judges, practitioners, and advocates on how to improve efficiency, streamline court proceedings, and marshal additional resources. A training curriculum will be developed for judges and other professionals involved in decision-making regarding abused and neglected children. Critical training units will be identified and core curricula will be devised for application to interdisciplinary programs

involving judges, court personnel, attorneys, social service representatives, and other child welfare professionals. Included in the technology transfer of a technical assistance package will be a means to measure a court's performance in improving practice.

ACCOMPLISHMENTS AND WORKLOAD: This program was previously funded under the Juvenile Justice Programs account; therefore accomplishments and workload are discussed there.

Grants for Televised Testimony - \$250,000

LONG-RANGE GOAL: To implement and demonstrate the effective and practical use of closed-circuit televising and videotaping in obtaining testimony from child witnesses for use in criminal proceedings and identify and disseminate effective programs using this technology.

MAJOR OBJECTIVES:

- Where use of this technology is allowed under State law encourage States to implement demonstration programs in appropriate jurisdictions.
- Identify prototype programs using television and videotaping technology.
- Develop training and technical assistance materials for transferring selected prototype programs to other sites.

BASE PROGRAM DESCRIPTION: The Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Crime Control Act of 1990 created Part N - Grants for Closed-Circuit Televising of Testimony of Children who are Victims of Abuse. The purpose of this program is to make grants to the States, for the use of States and units of local government, to provide equipment and personnel training for closed-circuit televising and videotaping of child victims' testimonies used in criminal proceedings relating to child abuse. In 1992, for the first time \$1,000,000 was appropriated for this program and in 1993, twenty-six States were provided funds. Funds have not been appropriated for these purposes since 1992. The Violent Crime Control and Law Enforcement Act of 1994 authorizes this program from 1996 through 2000.

ACCOMPLISHMENTS AND WORKLOAD: Twenty-six States received awards of \$38,462 each in October 1993 as seed money to encourage the use of closed-circuit televised testimony from child abuse victims in State and local courts. Awards were made only to the States which had laws permitting the use of closed-circuit or videotaped testimony from child witnesses in criminal child abuse proceedings.

The States which received awards are using the funds primarily to purchase equipment and to develop and provide training to prosecutors and court personnel. For example, Wisconsin reports that the project has resulted in the development of nine multi-disciplinary investigative teams and the training of over 50 individuals from its agencies in the techniques for developing and maintaining effective teams and the effective use of closed circuit/videotape technology in the courtroom. A few States have made subawards to one or two large jurisdictions to implement or expand their program.

The results to date have been limited in many of the States which received awards because of the very small amounts of funds available to each State under this Formula Grant Program. Some States are still in the process of developing training programs or working with local prosecutors or court personnel to develop initiatives.

In 1996, the Office of Justice Programs is requesting \$250,000, the amount authorized by the Violent Crime Control and Law Enforcement Act of 1994.

State Court Assistance Grants - \$10,979,000

LONG-RANGE GOAL: To ease the increased burdens on State court systems resulting from enactment of the Violent Crime Control and Law Enforcement Act of 1994.

MAJOR OBJECTIVES: To pay for increased judicial activities resulting from provisions of the Crime Act

BASE PROGRAM DESCRIPTION: The Attorney General is authorized by the Violent Crime Control and Law Enforcement Act of 1994 to make grants to States and units of local government to pay the costs of providing increased resources for courts, prosecutors, public defenders, and other criminal justice participants to meet the increased demands for judicial activities resulting from the provisions of the Act. The Attorney General may make grants to, or enter into contracts with public or private agencies, institutions, or organizations or individuals to carry out these activities. This program will be administered by the Bureau of Justice Assistance, under the authority of the Attorney General.

Assistance for Delinquent and At-Risk Youth - \$1,588,000

LONG-RANGE GOAL: To provide funds for the development and operation of residential services (boarding schools) for at-risk youth.

MAJOR OBJECTIVES: The Assistance for Delinquent and At-Risk Youth program will provide funds to public and private non-profit organizations to support the development and operation of projects that provide residential services to youth between the ages of 11 and 19 who have dropped out of school, had contact with the juvenile justice system, or are at risk of doing either or both.

BASE PROGRAM DESCRIPTION: This program will make funding available for public and private non-profit agencies providing residential services to at-risk youth. To qualify for funding, residential programs must be designed to improve the academic performance, vocational skills, self-esteem and responsible/decisionmaking abilities of the youth they serve.

In addition, applicants must delineate how their programs will meet applicable state and local safety requirements for facilities and provide academic instruction in accordance with State, Indian tribal government, or local educational standards as well as delineate specific measurable outcomes for the youth to be served and an analysis of how the program will prevent delinquency.

Missing Alzheimer's Disease Patient Alert Program - \$900,000

LONG-RANGE GOAL: To establish a national Missing Alzheimer's Disease Patient Alert Program to protect and locate missing patients with Alzheimer's disease and related dementias.

MAJOR OBJECTIVES: To award a grant to a national voluntary organization that has a direct link to patients, and families of patients, with Alzheimer's disease and related dementias, to assist in paying for the costs of planning, designing, establishing and operating a national Missing Alzheimer's Disease Patient Alert Program.

BASE PROGRAM DESCRIPTION: This grant is authorized by section 240001 of the Violent Crime Control and Law Enforcement Act of 1994. These funds are provided for a grant to address materials development, outreach, and training of local law enforcement, public safety, and emergency health personnel in identifying and handling lost Alzheimer's patients.

Access to Federal Criminal Information (Stalking and Domestic Violence) - \$1,485,000

LONG-RANGE GOAL: To improve the processes for entering data regarding stalking and domestic violence into local, State, and national crime information databases.

MAJOR OBJECTIVE: To assist states in their efforts to collect data on stalking and domestic violence and to make such information available through the state criminal history record network.

BASE PROGRAM DESCRIPTION: The program implements provisions of Section 40602 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) in which a state or unit of local government is eligible to receive a grant if it certifies that it has or intends to establish a program that enters into the National Crime Information Center data regarding warrants for the arrest of persons violating protection orders intended to protect victims from stalking or domestic violence; arrests or convictions of persons violating such protection orders; and protection orders for the protection of persons from stalking or domestic violence.

For 1996, \$ 1.5 million is requested to implement the provisions under Section 40602 of the Violent Crime Control Act which authorizes a grant to states to develop and enter into agreements with local law enforcement agencies to collect data on stalking and domestic violence and to make such information available through the state criminal history record network. States will be eligible if they agree to provide data about warrants, arrests, convictions, and protection orders. Since some of this information is included in civil restraining orders or other civil actions, the awards will focus on issues relating to collecting and interfacing civil data with the criminal justice system. The program will be coordinated with the BJS National Criminal History Improvement Program (NCHIP) under which a grant is being made to each state to upgrade the quality and availability of criminal history records for both criminal justice and noncriminal justice purposes such as pre-sale firearm checks.

Family Unity Demonstration Projects (State Grants) - \$1,546,000

LONG-RANGE GOAL: Evaluate the effectiveness of certain demonstration projects to (1) alleviate the harm to children and primary caretaker parents caused by separation due to incarceration of the parents; (2) reduce recidivism rates of prisoners by encouraging strong and supportive family relationships; and (3) explore the cost effectiveness of community correctional facilities.

MAJOR OBJECTIVE: To provide grants to states to carry out family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

BASE PROGRAM DESCRIPTION: This program is authorized from 1996 through 2000 by section 31901 of the Violent Crime Control and Law Enforcement Act of 1994 (VCLCEA). This grant program provides funds to states to provide family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children. To program requires coordination between the state corrections and health and human services agencies in all aspects of the development and operation of the family unity project. Community boards are also encouraged to be established to advise the state regarding demonstration operation.

Family Unity Demonstration Projects for Federal Prisoners - \$356,000

LONG-RANGE GOAL: To evaluate the effectiveness of certain demonstration projects in alleviating the harm to children and primary caretaker parents caused by separation due to incarceration of the parents; reducing recidivism rates of prisoners by encouraging strong and supportive family relationships; and to explore the cost effectiveness of community correctional facilities.

MAJOR OBJECTIVE: To reimburse states to carry out family unity demonstration projects that enable eligible offenders to live in community correctional facilities with their children.

BASE PROGRAM DESCRIPTION: This program is authorized from 1996 through 2000 by section 31901 of the Violent Crime Control and Law Enforcement Act of 1994 and authorizes the Attorney General, through the Director of the Bureau of Prisons, to select federal prisoners to live in community correctional facilities with their children. The Bureau of Prisons will administer this program and shall reimburse states for all project costs related to the federal participant's placement, including administrative costs.

DNA Identification - State Grants - \$477,000

LONG-RANGE GOAL: To improve the quality and availability of DNA analyses for law enforcement identification purposes.

MAJOR OBJECTIVES:

- To develop or establish forensic DNA testing capabilities in state and local forensic laboratories which do not currently conduct DNA testing.
- To improve or expand forensic DNA testing in state and local forensic laboratories which already conduct DNA testing.
- To ensure that DNA testing by grant recipients is conducted according to national standards for DNA quality assurance and proficiency testing.

- To facilitate implementation of state laws requiring establishment of state databases of DNA records of convicted offenders (as defined by state law).
- To foster cooperation and mutual assistance among forensic DNA laboratories within states and between states that are seeking to match and exchange DNA identification records for law enforcement purposes via the FBI's Combined DNA Index System (CODIS).
- To provide the greatest overall improvement to the nation's forensic DNA testing capabilities recognizing current and projected requirement for DNA testing, and current technology and foreseeable trends in DNA technology.
- To develop and/or validate nationwide, standard protocols for new DNA testing methods; such efforts are focused on validating advanced procedures for making existing DNA testing methods more efficient or productive, and validating promising new methods of DNA typing.
- To ensure that there is established by FY 1997 a blind external proficiency testing program for DNA analyses, which shall be available to public and private laboratories performing forensic DNA analysis.

BASE PROGRAM DESCRIPTION: To make grants available to states and units of local government, or combinations thereof, to develop or improve the capability to analyze DNA in a forensic laboratory and establish a blind external proficiency testing program for DNA analyses which shall be available to public and private laboratories performing forensic DNA analyses. NIJ has sponsored a National Academy of Sciences (NAS) review of DNA research that found DNA is a reliable test for identifying suspects and is supporting an NAS update of the DNA forensic sciences. NIJ has supported standards development for DNA procedures using two standing testing methods - restricted fragment length polymorphism (RFLP) which is the most commonly used method, and the newer polymerase chain reaction (PCR). NIJ has also been conducting research on environmental factors that may increase the accuracy of DNA identification methods. Studies in 1995 will include an examination of DNA in special subpopulations such as the Ashkenazi Jewish population and the identification of DNA specimens from unusual or deteriorated evidence sources. In FY 1996, NIJ will undertake the development of a blind external proficiency testing program that will be available to public and private laboratories performing DNA analysis.

Technical Automation Improvement - \$4,774,000

LONG-RANGE GOAL: To improve criminal justice agency efficiency through computerized automation and technological improvements

MAJOR OBJECTIVE: To make grants to States, Indian tribal and local criminal justice agencies and nonprofit organizations to improve efficiency through improved technology and automation.

BASE PROGRAM DESCRIPTION: This new program is authorized by section 210501 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) to make competitive grants to State, Indian tribal, and local criminal justice agencies, and to nonprofit organizations for the purposes of improving criminal justice agency efficiency through computerized automation and technological improvements. Grants may be made to:

- Increase use of mobile digital terminals;
- Improve communications systems, such as computer-aided dispatch and incident reporting systems;
- accomplish paper-flow reduction;
- establish or improve ballistics identification programs;
- Increase the application of automated fingerprint identification systems and their communications on an interstate and intrastate basis;
- Improve computerized collection of criminal records.

Grant funds may not be used to implement any cryptographic or digital telephony programs. This program will be administered by the Bureau of Justice Assistance under the authority of the Attorney General.

Community-Based Justice Grants for Prosecutors - \$4,950,000

LONG-RANGE GOAL: To support the creation and expansion of community-based justice programs that reduce the incidence of and increase the successful identification and speed the prosecution of young, violent offenders.

MAJOR OBJECTIVES:

To make grants to State, Indian tribal or local prosecutors.

To establish community-based justice programs.

To provide technical assistance that supports the development and implementation of community-based justice programs

BASE PROGRAM DESCRIPTION: This new grant program is authorized for 1996 through 2000 by section 31701 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA). It authorizes grants to be made to State, Indian tribal, or local prosecutors for the purpose of supporting the creation or expansion of community-based justice programs. Funds may be used for:

- programs that require the cooperation and coordination of prosecutors, school officials, police, probation officers, youth and social service professionals, and community members in the effort to reduce the incidence of, and increase the successful identification and speed of prosecution of young violent offenders;
- programs in which prosecutors focus on the offender, not simply the specific offense, and impose individualized sanctions, designed to deter that offender from further anti-social conduct, and impose increasingly serious sanctions on a young offender who continues to commit offenses;
- programs that coordinate criminal justice resources with educational, social service, and community resources to develop and deliver violence prevention programs, including mediation and other conflict resolution methods, treatment, counseling, educational, and recreational programs that create alternatives to criminal activity;
- cooperative efforts, in rural States, between State and local prosecutors, victim advocacy and assistance groups, social and community service providers, and law enforcement agencies to investigate and prosecute child abuse cases, treat youthful victims of child abuse, and work in cooperation with the community to develop education and prevention strategies directed toward the issues with which such entities are concerned.

Applicants are required to include a comprehensive plan as part of their application for funds. The plan must contain a description of the youth violence or child abuse crime problem; an action plan outlining how the applicant will achieve the purposes of the program; a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources; and a description of how the requested grant will be used to fill gaps. Demonstrated need and evidence of ability to provide the services described in the plan, and equitable geographic distribution will be considered in awarding grants. The Bureau of Justice Assistance will administer this program.

Tuberculosis Prevention and Treatment in Correctional Institutions - \$198,000

LONG-RANGE GOAL: To assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions.

MAJOR OBJECTIVE: To make grant to State, Indian tribal and local correction authorities and public health authorities, for up to 50 percent of the total cost, to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions.

BASE PROGRAM DESCRIPTION: This new program is authorized by Section 32201 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) and authorizes the Attorney General to make grants to State, Indian tribal and local correction authorities and public health authorities, for up to 50 percent of the total cost, to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions. The Bureau of Prisons will administer this program and, in consultation with the

PAGE PROGRAM DESCRIPTION: Title XVII, Motor Vehicle Theft Prevention, of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) requires the Attorney General to develop a national, voluntary motor vehicle theft prevention program whereby participating vehicle

owners would affix a highly visible decal to their vehicles thus granting permission for state and local law enforcement officers to stop the vehicles without probable cause and verify the identity of the driver. Under the program, police may stop or check a vehicle that is being operated under abnormal circumstances for the driver as indicated by the decal, such as driving late at night or parked for the night at location other than the owner's residence. The program will be administered by the Bureau of Justice Assistance.

Enhanced Penalties for Telemarketing Fraud Against Senior Citizens - \$495,000

LONG-RANGE GOAL: To reduce the incidence of scams perpetrated against senior citizens.

MAJOR OBJECTIVE: To make grants to states and local law enforcement agencies and senior citizen advocacy organizations aimed at decreasing the incidence of fraud perpetrated against senior citizens.

BASE PROGRAM DESCRIPTION: This program was authorized by Section 25005 of the Violent Crime Control and Law Enforcement Act of 1994 and authorizes grants to be made available to state and local law enforcement agencies and senior citizen advocacy organizations for public awareness and prevention initiatives, such as seminars and training targeted at fraud against senior citizens. The Federal Bureau of Investigation's Criminal Division will administer this program and will develop guidelines for its implementation.

Presidential Summit on Violence and National Commission on Crime Prevention and Control - \$990,000

LONG-RANGE GOAL: To develop a proposal for preventing and controlling violence and crime in the United States and to estimate the costs for implementing such a proposal.

MAJOR OBJECTIVE: To convene the Presidential summit and to establish the Commission with the goal of providing a proposal for preventing and controlling violence and crime in the United States and to estimate the costs for implementing such a proposal.

BASE PROGRAM DESCRIPTION: These two initiatives are authorized in 1996 by Sections 270001 through 270009 of the Violent Crime Control and Law Enforcement Act of 1994. The Summit will be convened prior to the Commission which will be established to create an agenda for the Commission. The purpose of the Commission is to develop a proposal for preventing and controlling violence and crime in the U.S. and to estimate the costs for implementing such a proposal. These initiatives will be organized and administered by the Office of Policy Development.

Gang Investigation Coordination and Information Collection - \$990,000

LONG-RANGE GOAL: Coordinate gang-related investigations by Federal law enforcement agencies.

MAJOR OBJECTIVE: Develop national strategy to coordinate gang-related investigations by Federal law enforcement agencies.

BASE PROGRAM DESCRIPTION: Section 150008 of the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA), authorizes the Attorney General, in consultation with the Secretary of the Treasury, to develop a national strategy to coordinate gang-related investigations by Federal law enforcement agencies. The Federal Bureau of Investigation will collect information on incidents of gang violence for inclusion in an annual crime report to be presented to the President and the Congress by January 1, 1996.

Training Programs - \$990,000

LONG-RANGE GOAL: To enhance the capacity of probation and parole officers and other personnel who work with released sex offenders to manage the cases under their supervision involving this offender population.

MAJOR OBJECTIVE: To provide training for probation and parole officers and other personnel who work with released sex offenders.

BASE PROGRAM DESCRIPTION: This program implements Section 40152, "Training Programs," of the Violent Crime Control and Law Enforcement Act of 1994 to establish criteria and develop training programs to assist probation and parole officers and other personnel who work with released sex

offenders in the areas of case management, supervision, and release prevention. The Office of Justice Programs will implement and administer this program.

State Databases Study - \$198,000

LONG-RANGE GOAL: To assist the States and the nation in collecting centralized databases on the incidence of sexual and domestic violence offenses within a State.

MAJOR OBJECTIVES:

- To build on the consultations and the report generated by these consultations.
- To further the recommendations on how the States may collect centralized data bases on the incidence of sexual and domestic violence offenses. These activities may include further consultations with experts, the development of a model state system, or further development of the integration of existing data systems.

BASE PROGRAM DESCRIPTION: The Violence Against Women Act passed as part of the Violent Crime Control and Law Enforcement Act of 1994 directs the Attorney General to "study and report to the states and to Congress on how the states may collect centralized data bases on the incidence of sexual and domestic violence offenses within a state." In FY 1995, NIJ will fund a grant to create a task force to examine the issues involved in establishing centralized state data bases and poll the state Statistical Analysis Center (SAC) directors regarding information available in their state. In addition, a report will be prepared which examines the problems of federal recordkeeping related to statistics on domestic violence and sexual assault and makes recommendations regarding the feasibility of incorporating offender/victim relationship information in federal records. In FY 1996, based on the recommendations of the task force and the availability of funds, the development of a model state system will be supported.

National Study on Campus Sexual Assault - \$198,000

LONG-RANGE GOAL: To assist policy and decision-makers at the Federal, State, and local levels of government by providing for the collection, analysis, and publication of statistical information relating to campus sexual assault victimization.

MAJOR OBJECTIVE: To examine the scope of the problem of campus sexual assaults and the efforts of postsecondary institutions in addressing this victimization.

BASE PROGRAM DESCRIPTION: A national baseline study will be conducted in 1996 as required by Section 40506 of the Violent Crime Control Act which will collect and analyze statistical data on crime reporting practices of female victims of campus sexual assault, the response of campus and law enforcement authorities, and the efforts of postsecondary institutions to address this problem.

In 1996 \$198,000 is requested to conduct the following data collection activities: (1) the first-ever analysis of data on the management and administration of campus police agencies. A report on these agencies will be prepared covering, among other things, their policies and practices with respect to the recording of crime incidents and the case-processing of such complaints; (2) a survey of college campus administrators, utilizing an institutional sample maintained by the National Center for Education Statistics, to monitor implementation of the Campus Right to Know Act and to describe administrative practices and procedures relating to campus sexual assaults; and (3) a supplementary survey questionnaire added to the National Crime Victimization Survey (NCVS) to collect data from victims on the response of the educational institution/law enforcement authorities to the victimization. During FY 1995, initial efforts are being devoted to implementing changes in the NCVS to identify those victims reporting that they were attending a college or university or employed by a college or university.

This study is essential in filling the gap of knowledge that currently exists on campus sexual assault victimization. Upon review of the available research literature describing the nature and prevalence of campus sexual assault victimization against women, BJS has determined that these studies focus exclusively on student victims with no known research available to describe the victimization of employees and visitors. Generally, the student studies reveal widely disparate estimates of the prevalence of unwanted, forced, or coerced sexual intercourse. The

types of incidents described in these studies cover the range from forcible rapes to coerced sexual contact and the offenders cited by victims range from strangers to acquaintances and dates.

PROGRAM CHANGE:

	1996 Base			1996 Estimate			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
	Pos.			Pos.			Pos.		
Other Crime Control Programs.....	\$7,500	...	...	\$40,792	...	...	\$33,292

The amounts requested for these programs are, almost exclusively, only a portion of the authorized levels for 1996.

Office of Justice Programs
Violent Crime Reduction Programs
Financial Analysis - Program Changes
(Dollars in thousands)

Item	Criminal Records Upgrade Amount	Correctional Facilities Grants Amount	Drug Courts Amount	Violence Against Women Act Amount	State Criminal Alien Assistance Amount	Local Crime Prevention Amount
Other services.....	...	...	\$250	...	...	...
Purchases of goods and services from Government accounts.....	-\$6,000	...	...	...	...	...
Grants, subsidies and contributions.....	-\$68,250	\$470,745	119,540	\$137,610	\$168,300	\$29,700
Total program workyears and obligations changes requested, 1996.....	-74,250	470,745	119,790	137,610	168,300	29,700

Item	Model Intensive Prevention Amount	State Prison Drug Treatment Amount	Rural Law Enforcement Amount	Youthful Offender Incarceration Amount	Other Crime Control Programs Amount	Total Amount
Other services.....	...	...	...	...	\$2,250	\$2,500
Purchases of goods and services from Government accounts.....	...	...	...	...	...	-6,000
Grants, subsidies and contributions.....	\$47,734	\$26,730	\$10,149	\$9,547	31,042	982,847
Total program workyears and obligations changes requested, 1996.....	47,734	26,730	10,149	9,547	33,292	979,347

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Changes
(Dollars in thousands)

	Perm. FTE	Work- Year	Amount
1995 as enacted.....	\$759,500
Transfers to other accounts:			
Justice Assistance appropriation for administrative functions.....	-3,093
1995 appropriation anticipated.....	756,405
Transfers to and from other accounts:			
To State and Local Law Enforcement Assistance appropriation.....	-190,000
From Justice Assistance.....	750
From Juvenile Justice appropriation.....	6,750
Total transfers.....	573,905
1996 Base.....	573,905
Program changes:			
Criminal Records Upgrade.....	-74,250
Correctional Facilities Grants.....	470,745
Drug Courts.....	119,790
Violence Against Women Act.....	137,610
State Criminal Alien Assistance.....	168,300
Local Crime Prevention.....	29,700
Model Intensive Prevention.....	27,736
State Prison Drug Treatment.....	10,140
State Law Enforcement.....	9,547
Victims of Crime Assistance.....	11,292
Other Crime Control Programs.....	919,347
Total, program changes.....	1,533,252
1996 Request.....	1,533,252

Justification of Adjustment to Base

Transfers to and from other accounts:	...	...	-190,000
1. Transfer to State and Local Law Enforcement Assistance appropriation.....	...	...	...
In 1995, \$450 million was appropriated to the Byrne Formula Grant Program and made available from the Violent Crime Reduction Trust Fund (VCRTF). In 1996, only \$260 million is authorized to be made available from the VCRTF, therefore \$190 million is requested through direct appropriations in the State and Local Law Enforcement Assistance account.			
2. Transfer from Justice Assistance appropriation.....	...	...	750
In 1996 the Missing Alzheimer's Disease Patient Alert Program is authorized under the Violent Crime Control and Law Enforcement Act of 1994. It had previously been appropriated directly through the Justice Assistance account.			
3. Transfer from Juvenile Justice Programs appropriation.....	...	...	6,750
In 1996, the Court Appointed Special Advocates (CASA) program and the training of judicial personnel involved in child abuse cases are authorized under the Violent Crime Control and Law Enforcement Act of 1994. These programs had previously been appropriated directly through the Justice Assistance account.			
Total transfers.....	...	...	-190,000

Office of Justice Programs
Violent Crime Reduction Programs
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
11.1 Full-time permanent.....
11.3 Other than full-time permanent.....
11.5 Other personnel compensation.....
11.6 Special personnel services payments.....
Total.....
12 Personnel benefits.....
13 Benefits of former personnel.....
21 Travel and transportation of persons.....
22 Transportation of things.....
23.1 GSA rent.....
23.2 Rental payments to others.....
23.3 Communications, utilities and miscellaneous charges.....
24 Printing and reproduction.....
25.1 Consulting services.....
25.2 Other services.....	\$2,500	\$2,500
25.3 Purchases of goods and services from Government accounts.....	...	\$6,000	...	-6,000
26 Supplies and materials.....
39 Equipment.....
41 Grants, subsidies, and contributions.....	...	750,405	1,550,752	800,347
42 Insurance claims and indemnities.....
Total obligations.....	...	756,405	1,553,252	796,847
Relations of obligations to outlays:				
Total obligations.....	...	756,405	1,553,252	
Obligated balance, start-of-year.....	577,955	
Obligated balance, end-of-year.....	...	-577,955	-1,340,165	
Outlays.....	...	178,450	791,042	

Department of Justice
Office of Justice Programs
State and Local Law Enforcement Assistance
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Office of Justice Programs
State and Local Law Enforcement Assistance
Summary Statement
Fiscal Year 1996

For 1996, the Office of Justice Programs is requesting a total of \$240,000,000 for the State and Local Law Enforcement Assistance program. This program was first authorized by the Anti-Drug Abuse Act of 1986 to assist State and local governments in their drug control and enforcement efforts. Amendments to the program were enacted in the Anti-Drug Abuse Act of 1988 to incorporate efforts to improve functioning of the criminal justice system, with emphasis on violent crime. The program is now widely known as the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. The 1996 request provides \$50,000,000 for the Discretionary Grant Program and \$190,000,000 for the Formula Grant Program. An additional \$260,000,000 is proposed for the Formula Grant Program from the Violent Crime Reduction Programs appropriation bringing the total for the State and Local Law Enforcement Assistance program to the 1995 enacted level of \$500,000,000.

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, \$62,000,000 shall remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 95-534 (106 Stat. 3574), of which: (a) \$50,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program; (b) \$12,000,000 shall be available to carry out the provision of chapter B of subpart 2 of said Act, for the funds made available in fiscal year 1993 under Chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended; (c) \$2,000,000 shall be unavailable for the District of Columbia Metropolitan Area Drug Enforcement Task Force; (d) not to exceed \$300,000 shall be available to make grants or enter contracts to carry out the Demographic Data Collection program under the Controlled Substances Act, as amended by the Crime Control Act of 1990 (21 U.S.C. 862j); and (e) \$500,000 shall be available to carry out the provisions of the Ann Arbor Community-Based Crime Prevention Program established by the Michigan Crime Trust Act of 1992 (Public Law 102-519), for grants to be used for combating motor vehicle theft, of which \$300,000 shall be available pursuant to subtitle B of title I of said Act, and of which \$300,000 shall be available pursuant to section 306 of title III of 1990 Act 296 of the Laws of the State of Michigan, and of which \$50,000 shall be further authorized under subtitle C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs for the prosecution of driving while intoxicated charges under the enforcement of other laws relating to alcohol use and the

\$62,000,000 shall remain available until expended, as authorized by section 1001 of title I of said Act, as amended; Public Law 102-534 (106 Stat. 3524), of which: (a) \$50,000,000 shall be available to carry out the provisions of Chapter A of subtitle 2 of part 2 of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program; (b) \$12,000,000 shall be available to carry out the provisions of chapter 8 of subtitle 2 of part 2 of title I of said Act, for Correctional Options Grants provided, that of the funds made available in fiscal year 1999 under Chapter A of subtitle 2 of part 2 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended: (a) \$2,000,000 shall be available for the District of Columbia Metropolitan Area Drug Enforcement Task Force; (b) not to exceed \$500,000 shall be

\$240,000,000.

operation of motor vehicles. Provided further, That funds made available in fiscal year 1995 under subpart 1 of part 2 of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions.

1. Provided further, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

Department of Justice and Related Agencies Appropriations Act, 1995.

Explanation of Changes:

1. The first change includes \$190,000,000 for formula grants and \$50,000,000 for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs.
2. The second change deletes funding of the Correctional Options grants. Funds for similar purposes are being requested under the Violent Crime Reduction Programs appropriation.
3. The third change deletes funding and provisions of the Anti Car Theft Act of 1992 for grants in combating motor vehicle thefts. Funds for this purpose are requested under the Violent Crime Reduction Programs appropriation.
4. The fourth change deletes language authorizing the transfer from the Justice Assistance account of all pre-1995 balances of appropriations made under the authorities of this account.

Office of Justice Programs
State and Local Law Enforcement Assistance
Reconciliation of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 Adjusted President's Budget Request	Congressional Appropriation Action on 1995 Request	Transfer	Reconciliation	1995 Appropriation Enacted
1. Edward Byrne Formula Grants.....	\$75,000	-\$75,000	...	...	...
2. Edward Byrne Discretionary Grants.....	50,000	...	\$200,000	...	\$250,000
3. Correctional Options Grants.....	...	12,000	...	...	12,000
Total.....	125,000	63,000	200,000	...	282,000

* For presentation only. These funds were requested under the "Justice Assistance" account.

Congressional Appropriation Actions. The "State and Local Law Enforcement Assistance" account was newly established by Congress in 1995. A total of \$125 million had been requested for the Edward Byrne Formula Grants (\$75 million from direct appropriations and \$50 million from the Crime Control Fund). An overall increase of \$325 million was provided by the Congress for the Edward Byrne Formula Grants under the new "Violent Crime Reduction Programs" account, bringing the total to \$450 million for this program. Congress provided the requested level for the Edward Byrne Discretionary Grants and also included \$12 million for the Correctional Options Grants.

Transfer. Reflects \$200 million of Community Oriented Policing Services funding authorized to be administered through the State and Local Law Enforcement Assistance account. This funding was transferred from the 1995 President's Budget account for the Community Oriented Policing Services program. The Trust Fund outlays are recorded against the Trust Fund only; the transfer of \$200 million from the Community Oriented Policing Services program will be treated as a reimbursement.

**Office of Justice Programs
State and Local Law Enforcement Assistance
Violent Crime Reduction
(Dollars in thousands)**

Adjustments to base:

1995 as enacted.....	Perm. FSA	Work- YMAE	Amount
Transfer from the Community Oriented Policing Services (COPS) Program A/.....	...	...	\$62,000
1995 authorization.....	...	...	262,000
1995 estimate.....	...	...	324,000
Transfer in the estimates from Violent Crime Reduction Programs (VCRP) b/.....	...	...	140,000
Decrease (automatic, non-policy).....	...	...	190,000
1996 base.....	...	...	-209,000
Program changes.....	...	...	-15,000
1996 estimate.....	...	...	-12,000
	...	...	340,000

**1995 Appropriation
Anticipated**

Estimates by Budget Activity	1995 Base			1995 Estimate			Increase/Decrease		
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount
1. Edward Byrne Formula Grants.....	\$190,000	...	...	\$190,000	...	...	...
2. Edward Byrne Discretionary Grants.....	50,000	...	...	50,000	...	...	...
3. Correctional Options Grants.....	12,000	...	...	12,000	...	...	...
Total.....	252,000	...	...	240,000	...	...	-12,000

A/ Presentation in agreement with the 1996 President's Budget Appendix. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are secured against the Trust Fund only, the transfer of \$100,000,000 from the Community Oriented Policing Services (COPS) program will be treated as a reimbursement.

b/ The transfer in the estimates of \$190,000,000 from the VCRP appropriation provides direct funding for the Byrne formula grants within the state and local law enforcement assistance appropriation. In 1995, the entire Byrne formula grant program was funded from the VCRP appropriation at a level of \$450,000,000. For 1996, however, the funding authorization for the Byrne formula grants within the VCRP appropriation is limited to \$360,000,000. The administration is requesting that this amount be funded from the VCRP appropriation and that \$190,000,000 be provided in direct funding under the state and local law enforcement assistance appropriation. In total, \$450,000,000 is requested in 1996 for the Byrne formula grant program, consistent with the 1995 enacted level for this program.

Office of Justice Programs
State and Local Law Enforcement Assistance
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1994 Actual a/		1995 Estimate		1996 Request		Increase/Decrease	
	Fed.	NY	Fed.	NY	Fed.	NY	Fed.	NY
Financing:								
Collections by Source:								
Department of Justice.....
Budgetary Resources.....
Contributions by Program:								
Edward Byrne Discretionary Grants.....
Total.....
Source of Reimbursement:								
Department of Justice.....
Total.....
Goods or Services Provided: Resources provided by contributing agency for joint projects administered by the Bureau of Justice Assistance.								
Justification of Decrease: The decrease reflects projects that are not expected to be of a recurring nature.								

a/ Funds reimbursed to Justice Assistance account in 1994; therefore all 1994 program activity is reflected there.

Office of Justice Programs
State and Local Enforcement Assistance
Justification of Programs and Performance
Activity Resources Summary
(Dollars in thousands)

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX	Amount	Perm.	MX
Activity: Edward Byrne Formula Grants.....	\$190,000	...	...	\$190,000	...	...
Edward Byrne Discretionary Grants.	\$250,000	...	...	50,000	...	...	50,000	...	...
Correctional Options Grants.....	12,000	...	...	12,000	...	...	...	...	-\$12,000

LONG-RANGE GOAL: To reduce and prevent crime and violence and to improve the functioning of the criminal justice system at the state and local levels.

MAJOR OBJECTIVES:

- To encourage the establishment of policies, the development of strategies and reallocation or targeting of resources to increase the effectiveness and efficiency of drug- and crime-control/prevention efforts.
- To provide state and local criminal justice agencies with state-of-the-art information on innovative and effective programs, practices, and techniques.
- To improve and enhance the capability of state and local agencies to engage in effective drug- and crime-control/prevention activities.
- To encourage and facilitate coordination and cooperation.
- To assess the impact of activities on the drug and crime problems and the criminal justice system.
- To develop and test the effectiveness of innovative correctional options within existing correctional systems.

BRIEF PROGRAM DESCRIPTION: The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, authorized by the Anti-Drug Abuse Act of 1988, is to assist states and units of local government in carrying out specific programs that offer a high probability of improving the functioning of the criminal justice system, with special emphasis placed on a nationwide and multilevel drug control strategy. Programs and projects are developed to assist multijurisdictional and multistate efforts to control drugs and to support national drug control priorities. The Anti-Drug Abuse Act of 1988, as amended, authorizes programs in 16 purpose areas to control drugs and improve the criminal justice system. Correctional Options Grants provides for correctional options demonstration programs that provide alternatives to traditional modes of incarceration and offender release programs; grants to private non-profit organizations to provide training and technical assistance to criminal justice personnel and to establish small innovative demonstration projects; and grants to public agencies to establish, operate and support correctional boot camps.

Byrne Formula Grants

The 1996 request of \$450 million for the Formula Grant Program includes \$260 million from the Violent Crime Trust Funds and \$190 million from direct appropriation. The \$450 million will maintain the Formula Grant Program at the same level as 1995, enabling States to continue current activities and to address new problems.

As currently written, statutes related to the Byrne Program require that at least 80 percent of the appropriation is provided to the States under a Formula Grant Program. The Act allocates 20 percent, or \$50,000,000, whichever is less, to the discretionary grant program; however, the \$50,000,000 limitation was waived by Congress in 1993 and 1994. The remaining funds available for the Byrne program are distributed to the States by a formula, which provides each State a base amount of .25 percent of total funds available or \$500,000, whichever is greater, with the remainder distributed to the States on a population share basis. A percentage of each State's formula award must be used for projects at the local level, based on the proportion of local criminal justice expenditures to total State and local criminal justice expenditures. The 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are eligible to receive a formula grant award. The States, in consultation with State and local officials, develop statewide drug and violent crime strategies and funding priorities to address their drug and violent crime problems and to improve the functioning of their criminal justice systems while simultaneously supporting additional priorities and objectives. The Program provides financial assistance, based on need, to State and local agencies to address the problems of drug and crime in the Nation's towns and communities.

Byrne Discretionary Grants

The 1996 request for the Discretionary Grant Program is \$50 million. Through its Discretionary Program, BJA supports the development and testing of new and innovative, as well as the replication of proven drug and crime prevention and control programs and practices. This is achieved through the funding of demonstration programs which test the effectiveness of programs that, in view of previous research or experience, are likely to be a success in more than one jurisdiction. The Bureau also funds programs that are national or multi-state in scope and provides technical assistance and training to help State and local agencies adopt innovative narcotics control and criminal justice system improvement programs. The major activities that will be implemented in 1996 are described below.

Comprehensive Approaches - \$15,000,000

BJA will increase its emphasis on comprehensive planning and approaches at the community and neighborhood levels through such efforts as Project PACT, Comprehensive Communities, and the Weed and Seed Program. Pulling America's Communities Together (PACT) is an interdepartmental initiative through which the Federal Government supports the development of broad-based, fully-coordinated local and statewide strategies to prevent violence and secure community safety. Comprehensive Communities is a BJA initiative which assists cities and counties faced with high rates of drug-related crime and violence to develop a comprehensive strategy for crime and drug control which requires law enforcement and other governmental agencies to work in partnership with the community and public and private entities to address these problems. The Weed and Seed Program is a comprehensive approach, targeting specific local neighborhoods and encouraging broad-based planning, problem solving, and program development.

In 1996, BJA will continue to provide assistance to jurisdictions participating in these three complementary programs with implementation of their strategies. There is considerable overlap in the sites which participate in PACT, Comprehensive Communities, and Weed and Seed, encouraging comprehensive planning at different levels within the same communities. In 1996, BJA plans to place greater emphasis on jurisdiction-wide or multi-jurisdictional approaches, such as PACT and Comprehensive Communities. BJA will encourage sites which have received several years of Weed and Seed funding to continue and expand those efforts with local resources and to incorporate them into broader, jurisdiction-wide planning efforts.

Violence Prevention - \$7,000,000

Programs to reduce and prevent violence will continue to be a high priority in 1996, including the continuation and expansion of firearms control, homicide, gang, and violence in the home programs.

In 1993 and 1994, BJA began to address the increase in gun violence and homicides through the initiation of a Firearms License Compliance Program, the establishment of a Firearms Investigative Task Force Program and the creation of a Homicide Task Force Initiative. These programs will be expanded and built upon in coordination with other Departmental components and the U.S. Attorney's Anti-Violence and Youth Handgun Initiative to assist state and local criminal justice agencies and communities to control and prevent street violence.

In 1996, BJA plans to expand programs to suppress and prevent street gang violence, which is a growing problem in many urban centers and smaller communities across the country. Improved ways of preventing youth from joining gangs, encouraging current members to leave gangs, as well as improved methods of tracking, investigating and prosecuting gang members and organizations will be developed and tested.

Community Partnership and Prevention - \$9,000,000

Crime and violence is only a symptom of broader problems which plague our communities. Crime cannot be stopped by law enforcement without the active participation of the community and other public and private agencies. It cannot be eradicated unless we address the root causes which surround our children with violence, crime, and despair.

BJA plans to expand and enhance community mobilization efforts by assisting local communities and law enforcement agencies in actively engaging residents and community groups in taking back their neighborhoods, one neighborhood at a time, from drug dealers, gangs and other criminals. BJA will continue to refine the Community Based Framework developed to assist communities to shift from a reactive policing philosophy to a proactive, problem solving approach in partnership with the police.

This program area will complement, not duplicate, any funding request to hire additional police and to expand community policing. It is designed to encourage and prepare local communities to embrace community crime prevention, community mobilization, community revitalization, and neighborhood level problem solving. Special emphasis will be given to youth violence in schools and public housing developments.

BJA will continue its successful prevention activities working with the National Crime Prevention Council (NCPC). In partnership with BJA and public and private sources, NCPC has produced and disseminated air and print public service announcements reaching millions of homes in all fifty states. Planned areas of emphasis include youth violence prevention in cooperation with Department components and other Federal agencies. BJA will also work with the Boys and Girls Clubs of America to meet the needs of children and families in public housing by building and expanding clubs in areas troubled by drugs and violence. Both NCPC and the Boys and Girls Clubs will have anti-violence and anti-gun components.

Improve the Functioning of the Criminal Justice System - \$12,000,000

Efforts to improve the functioning of the criminal justice system will be continued and expanded through demonstration programs, and the development of model programs, procedures, statutes, and standards of operation. Programs which assist state and local law enforcement and prosecutors to more effectively address drugs, violence and other serious crime through multi-jurisdictional efforts will be continued. Organized Crime Marcotics Trafficking (OCMT), Financial Investigation and Money Laundering Model, and Regional Prosecution Programs are examples in which state or local government will coordinate with federal agencies and implement programs. BJA will also continue to develop and test programs, such as community prosecution and community-focused courts, to more effectively address the problems in the community in a more

comprehensive manner as the cops on the beat program is implemented, and to respond to emerging public issues such as youth violence, drug and alcohol abuse, child and spousal abuse, gender and minority bias, homelessness, and mental illness. In 1996, BJA will also continue to develop and test alternatives to incarceration for non-violent offenders to assist States in freeing prison space for violent offenders, and will explore issues related to managing populations of violent offenders serving lengthy or life sentences.

BJA will also continue efforts to work with State and local criminal justice officials to facilitate improvements to the criminal justice system through the establishment of standards of operation and the development of model policies, procedures, statutes, etc. Programs to address court delay/case processing, the development of effective sentencing options, and the development of alternatives to incarceration will be developed. BJA will continue to support projects like the Law Enforcement Policy Center and will establish focus groups to address specific issues of concern to State and local practitioners. Improvements in intelligence systems, alien identification, gang data systems, criminal history records and other systems will be addressed.

Training and Technical Assistance - \$7,000,000

Efforts to identify "what works" are of limited value unless that information is widely disseminated and local practitioners are given assistance in replicating these innovations. In FY 1996, BJA will continue to support the Drug Abuse Resistance Education (DARE) Regional Training Centers which certify DARE trainers. DARE will continue to develop and expand the curriculum to serve more age groups, parents and others in resisting drug abuse, gang activity, violence, firearm use and crime, as well as to avoid threatening situations. The Multi-Agency Response Training and Financial Investigation and Money Laundering Training will continue to assist State and local investigators and prosecutors in going after drug and other criminal organizations and their assets. The Operational Systems Support and Training Program will continue to assist criminal justice agencies in improving operations through the use of state-of-the-art technology and to more effectively investigate and prosecute the growing amount of computer crime, health care fraud, hate crime, terrorism, gun violence and organized crime.

In 1996, BJA will also continue or expand training and technical assistance to State courts on such issues as improved case processing, implementation of court performance standards, increasing effective sentencing options, improved response to family violence and enforcement of protective orders, expanding access to the courts, developing alternatives to incarceration, eliminating racial and ethnic bias, etc. Assistance to local law enforcement agencies will focus on such issues as identification and investigation of criminal aliens, criminal firearms suppression, use of force, controlling civil disorders, intelligence gathering and sharing, responding to spouse, child and elder abuse, etc. BJA will also continue to develop training and technical assistance related to the effective prosecution of violent crime, community-based prosecution activities, model statutes, etc. Additional training and technical assistance will be developed to disseminate information on other effective programs and to address new and emerging issues in a variety of criminal justice areas.

Evaluation

In order to increase the efficiency of programs and determine "what works", BJA will work with the National Institute of Justice (NIJ) to conduct evaluations of selected programs. NIJ has a statutory responsibility for the evaluation of BJA's programs. A portion of the funds allocated for the programs described above may be provided to NIJ to support the evaluation efforts.

ACCOMPLISHMENTS AND WORKLOAD:

BYRNE FORMULA GRANTS - PROGRAM ACCOMPLISHMENTS

The purpose of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program, administered by the Bureau of Justice Assistance (BJA) is to assist States and local governments to improve the functioning of the criminal justice system, with emphasis on drug and violent crime prevention and control.

Each State is required to develop a statewide strategy which serves as the basis for making funding decisions. In recent years, State strategies have reflected an increased focus on violent crime and community policing. The following table shows the top funding priorities in 1994, which accounted for 70 percent of the funds. Highlights of these priority programs follow the table.

Percent of Funding	Program Area	Legislative Purpose Area
37%	Multijurisdictional Task Forces	2
16%	Corrections and Treatment	11, 13, 20
9%	Demand Reduction/Crime Prevention	1, 4
8%	Improved Information/Technology	15b

Multijurisdictional Task Forces

Multijurisdictional task forces, primarily targeting drug- and gang-related crime, provide Federal, State, and local law enforcement agencies and prosecutors with intelligence and other resources they need to stop drug traffickers and other serious and violent criminals. Drug task forces, which still receive a major share of the Byrne formula grant funds awarded to the States, serve as the core of many of the State drug and violent crime control strategies.

The States report that multijurisdictional task forces have resulted in the following benefits:

- Improved effectiveness of undercover and infiltration operations.
- Successful targeting, apprehension, and prosecution of drug distributors.
- Enhanced deterrence by heightening awareness of drug law enforcement efforts.
- Reduction of drug availability through drug supply seizures, thus increasing drug costs.
- Reduction in the number of open-air drug markets, thus cleaning up drug-plagued neighborhoods.
- Fewer citizens' complaints about drug dealers and drug houses.
- Improved relations between community members and law enforcement authorities.
- Asset seizures and forfeitures.
- Marijuana plant eradication.
- Enhanced cooperation and coordination among a wide variety of State and local agencies, in addition to criminal justice system and law enforcement agencies.

Examples of multijurisdictional task force organizations and activities in several States are provided below.

Texas reports that no other law enforcement program has had more far-reaching effects than the Texas Narcotics Control Program (TNCP). The Byrne formula grant funds provide Texas with a statewide network of 50 multijurisdictional drug task forces. The task forces have been particularly effective in strengthening anti-drug efforts in rural law enforcement agencies with severely limited personnel and equipment. TNCP also addresses the problem of end-user distribution in metropolitan areas by providing all Texas cities with populations greater than 100,000 grant awards to develop programs to address their unique needs.

The TNCP task forces have removed illegal drugs worth more than \$2 billion in street value from Texas communities and have confiscated cash, vehicles, jewelry, and weapons valued at more than \$95 million from drug offenders. Asset forfeiture serves as an important tool in hampering drug dealers' operations. A cooperative agreement with the District Attorney in each task force jurisdiction allows all proceeds from seized and forfeited assets to be returned to the task force to fund operations.

Michigan, another State with both major urban areas and extensive rural areas, reported that its multijurisdictional drug task forces accomplished the following in 1993:

- Made over 9,000 arrests
- Seized drugs with an estimated street value of over \$5.4 billion
- Destroyed marijuana plants with an estimated street value of over \$4 billion

North Carolina's Violent Career Criminal Task Force is designed to enhance law enforcement's ability to remove targeted repeat violent criminals from society. The goals are to identify and incarcerate violent criminals during their high crime years. The task force uses the investigative resources of local and Federal law enforcement agencies and the enhanced sentencing capabilities in the Federal Firearms Statutes to target, investigate, and convict active violent offenders. Violent crime cases which have resulted in enhanced sentences include: five drug ring leaders, four of whom were sentenced to as many as 30 years in Federal prison; four offenders who received a Federal life sentence for robbing a delicatessen and killing the attending counterperson; and a gang leader who was sentenced to four life terms plus 305 years for a multitude of drug and murder convictions.

Alabama's 28 multijurisdictional task forces have carried out operations significantly reducing drug availability in the State. In 1986, marijuana was listed as Alabama's top cash crop, with production exceeding an estimated \$1 billion in value, almost triple the combined dollar value of the State's peanut, corn, cotton, and soybean production. Alabama reports that marijuana cultivation has been reduced significantly because of the efforts of the drug task forces.

New Jersey has established a county multijurisdictional drug task force system that has become a fundamental component of the State's overall drug control strategy. Each of the State's 21 counties has its own multijurisdictional task force, operating under the county prosecutor with personnel from the prosecutor's office, the county sheriff's office, and local law enforcement agencies. Task force activities resulted in the arrest and charging of 5,434 drug offenders in 1993. Task force activity has strengthened communication between and among various local and county agencies, improved working relationships, and enhanced overall coordination among law enforcement agencies.

Corrections and Treatment

Purpose areas 11, 13, and 20 all provide corrections programs and treatment services for offenders and account for approximately 16 percent of the total formula grant funds. These programs are extremely important because of the high rate of substance abuse among offenders (80-90 percent) and the general lack of services for offenders from the broader treatment community.

Purpose area 11 includes programs to improve the corrections system through treatment in prisons and jails, intensive supervision programs, and long-range corrections and sentencing strategies. Most States utilize the funds in this purpose area to support substance abuse treatment activities in prisons and to aftercare or alternative services such as community drug testing programs for released offenders.

Purpose area 13 authorizes programs that identify and meet the treatment needs of adult and juvenile drug- and alcohol-dependent offenders, while in the community. These funds are used to implement programs designed to break the addiction-crime cycle of nonviolent drug-involved offenders by linking the legal sanctions of the criminal justice system with the therapeutic process of community treatment.

Purpose area 20 authorizes programs that provide alternatives to detention, jail, and prison for persons who are not a danger to the community. These programs often include a treatment component. The following are examples of corrections and treatment programs.

Florida uses Byrne formula grant funds to provide substance abuse treatment in jails and prisons. At the State level, offenders served are in the State prison system, where services are provided in tiers. Services to improve correctional treatment at the local level include drug location programs, intensive residential programs, and nonresidential programs that include counseling and therapy. Offenders served at the local level include county jail or juvenile detention centers, although they may also participate in community-based treatment programs and residential services.

Arkansas has implemented the Transitional Living Program to enhance the successful integration into the community of offenders on early release from custody status. The Transitional Living Program is designed to provide an environment of support and counseling to reduce offenders' risk of reinvolved with drugs and crime, thus reducing the recidivism and reincarceration rates. A Department of Community Punishment has been established by statute to take over all post-release monitoring functions. Each successfully rehabilitated parolee--that is, one who is not reincarcerated--saves the State more than \$20,000 per year in prison care.

Colorado's Specialized Reconstitution Project provides an intensive program for substance-abusing juvenile offenders, holding them accountable through restitution and community service. The project is based on the premise that it is extremely difficult to address issues that cause delinquency with individuals who abuse substances without first dealing with the substance abuse problem. After an assessment, youth offenders and their families are offered a combination of services including individual, family, and group counseling; alcohol and drug abuse education; and support for court/probation supervision. In addition to the treatment components of this project, a total of 1,535 hours of community service work was performed by the offenders who successfully completed their contracts.

In 1993, the Kansas Department of Corrections' Alcohol and Drug Addiction Primary Treatment (ADAPT) program treated 10,558 inmates of whom 9,039 successfully completed the program. The Kansas Department of Corrections treated 786 inmates in similar programs in 1993; 611 of the inmates completed the programs successfully.

Indiana reports using Byrne formula grant money to support four Treatment Alternatives to Street Crime (TASC) programs. The largest, the Indiana Department of Corrections Substance Abuse Transitional Treatment Program, provides counseling and treatment for 6,197 offenders in seven Department of Corrections facilities and eight parole districts. In addition, local TASC programs provide drug testing and counseling, working successfully with 1,374 offenders during the past year.

Maryland uses Byrne formula grant funds to relieve the severe overcrowding of its jails and reduce the incarcerated pretrial population while maintaining community safety. Grant funds pay for offender management services to determine which (and whether) offenders should be incarcerated or diverted to an alternative sentencing program. These offender management services include client identification soon after arrest, a procedure to provide in-depth assessments and recommendations for treatment, and referral of nonviolent offenders to comprehensive substance

abuse treatment within the criminal justice system. If the offender abides by pretrial conditions, abstains from drugs, and progresses in treatment, at sentencing the offender becomes a candidate for continued community placement, i.e., probation and diversion from incarceration. South Carolina's alternatives to detention/jail project has helped in the formulation of better policies about who should be placed in jail and for what period. It has reduced overcrowding, which was creating problems such as the inability to house juvenile offenders, the inability to appropriately classify and separate inmates, and the inability to provide proper visitation and recreational areas. Based on established eligibility and on intake interviews, 16.5 percent of all intakes were released in an expedited manner on personal recognizance. This amounted to a reduction of 6.8 days in the average stay of each person released, and a savings of \$897,000 over the three-year grant period. More significantly, it freed jail space for more serious violent offenders. Because of its demonstrated savings, it will be continued out of county resources.

Demand Reduction/Crime Prevention

Purpose areas 1 and 4 provide for demand reduction and crime prevention programs. The focus of purpose 1 is school-based programs such as the Drug Abuse Resistance Education (DARE) program, whereas purpose 4 targets the community, through community policing and other crime prevention activities.

The DARE Program is the most popular of the demand reduction education activities supported with formula grant funds, with nearly 500 projects supported. DARE involves local law enforcement officials in programs that teach school children the skills needed to recognize and resist the overt and subtle pressures that lead them to experiment with drugs and alcohol.

While Byrne Discretionary grant funds support training of the law enforcement officers who teach the program, the formula grant funds support implementation at the local level. Two-thirds of the States used formula grant funds to help local agencies implement DARE or similar programs in their schools. Nationally, DARE programs provided drug-abuse reduction instruction to more than 25 million elementary and junior high school students by the end of the 1992-93 school year.

A 1993 Gallup Poll survey of more than 2,000 DARE graduates showed that more than 90 percent of those who graduated from the program felt that DARE assisted them in avoiding drugs and alcohol. States credited DARE with increasing students' self-esteem and the ability to deal with peer pressure.

Some students reported that they had an occasion to use the avoidance techniques taught to them by their DARE Officer.

Over half of the States used formula grant funds to enhance community-law enforcement cooperation as an effective deterrent to crime. States are using formula funds to help local agencies adopt community policing, a proactive approach to crime that stresses crime prevention and community involvement. This approach represents a departure from the conventional, reactive "911" strategy that most police departments have been using. This reorientation not only strengthens community-police cooperation and enhances crime prevention but also is more effective.

The following are examples of demand reduction and crime prevention programs supported with formula grant funds.

New York reports that in the past year, the National Training Center Policy Advisory Board accredited a New York State Training Center for DARE instructor development. During the 1992-93 school year, State-certified DARE instructors presented DARE curricula to more than 120,000 school children. Especially noteworthy is the expansion of the DARE Program to Native American children, children of migrant workers, and children with hearing impairments.

In Kansas the DARE program has provided drug abuse education to 68,242 of the 445,390 students and has been expanded to include elementary, junior high, and high school students.

Indiana provided DARE to over 28,000 elementary, junior high, and high school students in 1993. During the past year, 23 police departments and 29 projects across the State received Byrne formula grant funding for DARE programs. Authorities have expanded almost all State DARE programs to include kindergarten and high school classes. There are currently 302 certified DARE officers in the State.

California is supporting comprehensive, multiagency approaches designed to combat violent crime, drug use, and gang activity in the Tenderloin area of San Francisco. A portion of the program involves dedicated enforcement activities, assisted by the community, to remove the criminal element from the streets. Once a foothold has been secured in the affected community, the emphasis shifts to the revitalization portion of the program. Crime in the Tenderloin area has dropped 25 percent since the implementation of this project. The project also encourages the development and expansion of legitimate business enterprises/ sponsors economic, social, cultural, and education programs; and discourages drug use and gang activity by implementing innovative and effective school-based after-school activities for youth.

Aurora and Joliet, Illinois, used formula grant funding for community policing training and programs. Evaluations show that the two community policing programs have enhanced public awareness of police activities, increased resident satisfaction with police performance, and decreased violent crime significantly in the target areas with the introduction of the programs.

Virginia funded 12 crime prevention projects that resulted in the establishment of 72 new Neighborhood Watch groups and seven new Business Watch groups, as well as the provision of technical assistance or crime prevention materials/literature for 2,200 existing Neighborhood Watch groups. Fifty-two Crime Stopper/Crime Solver television programs and 87 crime prevention public service announcements were aired. In addition, Virginia used formula funds to help police campus crime prevention seminars and four campus sexual assault prevention seminars; to develop a model sexual assault policy for campus law enforcement agencies and a quarterly prevention newsletter; and to hold a statewide sexual assault conference.

Criminal Justice Information Systems

The Omnibus Crime Control and Safe Streets Act, amended by the Crime Control Act of 1990, requires each State receiving Byrne formula grant funds to allocate at least 5 percent of its total award for the improvement of criminal justice system records. Specifically these funds are used for enhancing the completeness, accuracy, and consistency of criminal histories, including the final disposition of all arrests for felony offenses; full automation of all criminal justice history records; and increasing the frequency and improving quality of criminal history reports made to the Federal Bureau of Investigation (FBI) and implementing an instant background check system for license purchases. In 1994, States allocated approximately 8 percent of total formula grants awarded to improve their criminal justice records information systems.

Specific areas of improvement include:

- Wider access among law enforcement officials to records.
- Increased quantity, quality, accuracy, consistency, and detail of criminal records.
- Enhanced retrieval and analysis capabilities.
- Improved coordination of all phases of criminal investigations, prosecutions, and adjudications.
- Reduction in duplication of effort.
- Cost savings.

California's 21 counties have upgraded their technology to live-scan the fingerprinting of suspects. When fully implemented, the live-scan project will ensure 95 percent acceptance of all fingerprints, with immediate criminal history filing and access to the State's Bureau of

Criminal Identification and Information. This process will decrease errors and turn-around time. It also will allow linkages with the FBI and other Federal criminal justice agencies. In addition, the state is developing an integrated narcotics information system that eventually will grant all jurisdictions access to multiple criminal record and information systems.

Massachusetts reports that Byrne formula grant funds have enabled it to make the following improvements in its criminal justice records systems:

- Expansion of the State's Automated Fingerprint Identification System reducing backlog and turnaround time.
- Direct electronic connection of criminal history disposition records with the Office of the Commissioner of Probation.
- Automated notification of drug offender license suspensions, from the Trial Court to the Registry of Motor Vehicles.
- Development of a postconviction tracking database to which sheriffs, as well as corrections, parole, and probation authorities, have access.

BYRNE DISCRETIONARY GRANTS - PROGRAM ACCOMPLISHMENTS

BJA's discretionary grant program is designed to simultaneously address the key needs of state and local law enforcement and criminal justice agencies while contributing to the integration of priority issues as identified by the National Drug Control Strategy. Following are examples of programs that address Attorney General priorities. These programs have contributed significantly to the improvement of drug control activities and administration of justice at the state and local levels.

SUPPORTING AMERICA'S POLICE OFFICERS

Police Hiring Supplement - In July 1993, Congress provided a \$150 million supplemental appropriation to the Byrne Discretionary Program to hire/rehire additional sworn law enforcement officers to address crime through community policing. Over 2,700 applications were received. Three rounds of awards were made in December 1993, and February and May of 1994. There were 250 awards made throughout all 50 states totalling \$149,930,333 and providing 2,023 officers.

COPS: Phase I Awards - The Department's 1995 Appropriations Act contained \$1.3 billion for community policing, of which \$200 million was earmarked for applicants who had submitted applications during the 1993 Police Hiring Supplement Program, but were not awarded due to a lack of resources. BJA awarded additional 194 community policing funds to that sum and within 12 days of the new fiscal year, the Department made 197 awards totaling \$200,234,165 and adding 2,719 officers. These awards included 150 to police departments, 10 to state police departments, 10 to sheriffs' departments, 10 to Indian tribal groups, and several other law enforcement agencies. Coupled with the awards made under the Police Hiring Supplement Program, the number of new officers totals nearly 4,900 in more than 600 communities across America.

BJA published a manual, *Understanding Community Policing: A Framework for Action*, which discusses the core elements of community policing: community partnership and problem solving. It also discusses key changes in practices, policies, and procedures within law enforcement departments required to successfully implement community policing. The framework was developed for BJA by a Community Policing Consortium of the International Association of Chiefs of Police, the National Sheriffs' Association, the Police Executive Research Forum, and the Police Foundation. The framework guides the planning, development, implementation, monitoring, and assessment of community policing at all levels. In 1995, BJA will continue funding for the 14 sites initiated in 1993 and 1994 to continue the transition to department-wide community policing.

BJA's Firearms Control Program is designed to assist state and local governments to reduce incidents of violence by reducing the availability of and the illegal trafficking in firearms. This program contains the following components which BJA has found to be effective or promising in reducing the availability of firearms:

The Firearms License Compliance component is designed to enhance the ability of state or local law enforcement agencies to conduct more complete and comprehensive background investigations on the applicants for state or local firearms licenses (FPL). It is modeled after the joint effort between the Virginia State Police and the Bureau of Alcohol, Tobacco, and Firearms (ATF) which advises applicants of Federal, state, and local laws concerning firearms, and advises them of the ongoing program to track deliveries of firearms. New York City Federal firearms applications were reduced by more than two thirds.

Firearms Investigative Task Force component is designed to identify, target, investigate, and prosecute individuals and dismantle organizations involved in the unlawful use, sale, or acquisition of firearms in violation of the Federal and/or State firearms laws. It is based on a model firearms demonstration project developed by the Virginia Department of Criminal Justice Services/Virginia State Police and the ATF. During 1994, the Task Force made 211 firearms arrests and seized 248 firearms.

PROTECTING AMERICA'S CHILDREN

Pulling America's Communities Together (Project PACT) is a Federal initiative designed to empower communities to fight crime by supporting and fostering the development of broad-based, fully coordinated local and statewide anti-violence initiatives to secure community safety. The PACT jurisdictions are addressing the factors in the family, schools, and community that cause children and adolescents to engage in crime, drug use, and violent behavior. In 1995, the U. S. Departments of Education, Health and Human Services, Housing and Urban Development, Justice, and Labor, as well as the Office of National Drug Control Policy will continue to work with the four pilot sites of Metro Atlanta, Metro Denver, the District of Columbia, and the State of Nebraska to develop and implement their strategies.

The Comprehensive Communities Program (CCP) is designed to reduce crime and violence by initiating comprehensive planning and improving intergovernmental relationships. It requires selected jurisdictions to engage in a comprehensive planning and strategy development process for crime, drug, and violent crime control and prevention which requires law enforcement and other governmental agencies to work in partnership with the community to address these problems, as well as the factors that increase the risk that individuals will become involved in problem behavior. In 1994, sixteen jurisdictions faced with high rates of crime and violence participated in the CCP planning process, including the four PACT sites. These sites received awards from BJA to implement their strategies in 1995.

Operation Weed and Seed

Operation Weed and Seed is a neighborhood-based, multiagency approach to law enforcement and community revitalization. The goal of the program is to improve the quality of life in targeted neighborhoods by controlling and preventing crime, drug abuse, and gang activity. The Weed and Seed strategy integrates Federal, State, and local law enforcement and criminal justice resources with corresponding human services and private and community resources to maximize program impact. Resident participation is an essential aspect of Weed and Seed programs. Operation Weed and Seed is currently funded in 36 sites, the 21 original sites and 15 sites initiated in 1994. In addition, approximately 40 sites will be officially recognized by the Department as Weed and Seed sites which are implemented without DOJ funds.

National Citizens' Crime Prevention Campaign

BJA supports the National Citizens' Crime Prevention Campaign which develops and produces a full range of crime prevention public service announcements and materials that include brochures, videos, posters, books, and community action kits. More than 400,000 publications are distributed free of charge each year. The National Crime Prevention Council (NCPC), which administers the campaign, also provides technical assistance and training workshops on topics ranging from planning and managing prevention programs to national drug demand reduction workshops.

for police chiefs and sheriffs. It also supports comprehensive community-based crime prevention and drug demand reduction programs that target both youth and neighborhoods.

National Crime and Drug Prevention Campaign (National Night Out)

BJA is one of the sponsors for the National Crime and Drug Prevention Campaign (National Night Out). The campaign involves more than 26 million citizens, law enforcement agencies, civic groups, businesses, neighborhood organizations, and local officials in 8,650 communities from all 50 States and territories, Canada, and military bases worldwide. National Night Out heightens crime and drug prevention awareness, generates participation in local anti-crime programs, strengthens neighborhood spirit and police-community relations, and lets criminals know that neighborhoods are organized and fighting back.

Drug Abuse Resistance Education (DARE) is a copyrighted drug and violence prevention program that involves both law enforcement officials and educators. DARE's original purpose was to teach school children how to resist peer pressure to experiment with and use drugs. Although this remains its central focus, DARE has developed and offers an expanded curriculum that includes instruction on non-violent dispute resolution, firearms and kidnapping awareness. In addition, DARE-related activity now encompasses a Parent Program to assist all family members in keeping children drug free. BJA supports the DARE Five Training Centers that have trained or assisted in the training of over 16,400 police officers. Formula grant funds are used by the States to pay for program implementation in over 900 sites.

Communities in Action To Prevent Drug Abuse

The Communities in Action To Prevent Drug Abuse Program is designed to help local communities develop and implement cost-effective, community-based strategies to control crime and drugs. Under a grant from BJA, the National Training and Information Center provides technical and financial assistance to organize and motivate representatives from nonprofit, community-based organizations in twelve communities across the country. The program requires participation of youth, adults, citizens, clergy, and service providers, other service providers, and elected officials in the planning and implementation of the program. The program is designed to deter crime, violence, and illicit drug use, prevent and reduce drug abuse, and combat drug-related problems. Neighborhood Watch, public safety vigils, innovative code enforcement initiatives, various crime prevention and drug demand reduction programs, and community policing are being used to effectively reclaim neighborhoods, parks, and streets from drug abusers, drug traffickers, and other law breakers.

The Boys & Girls Clubs Demonstration Program

The Boys & Girls Clubs Demonstration Program is designed to meet the complex needs of children from disadvantaged backgrounds through the establishment or expansion of Boys & Girls Clubs. The clubs provide educational, vocational, delinquency prevention, fitness and health, and other comprehensive services or activities. Enhancements include a comprehensive primary prevention program designed to help young people develop skills to resist using firearms, alcohol and other drugs and engaging in violence and promiscuous sexual activity; a delinquency prevention program to target and recruit at-risk youth; a goal-setting program for 8- to 12-year-olds; a career exploration program designed to expose youth to a broad range of careers and educational opportunities; assistance with developing resumes and conducting job searches; and a health promotion program designed to encourage members to make healthy lifestyle choices.

MAKING AMERICA SAFE

During 1994, BJA developed with support from the Office of Juvenile Justice and Delinquency Prevention, a Comprehensive Gang Initiative to provide a balanced prevention, intervention, and suppression approach to emerging and chronic urban street gang drug trafficking and related criminal violence. BJA funded demonstration sites use a prototype which requires a focus on and continual analysis of gang-related drug

trafficking and violence, a coordinated response by multiple agencies, evaluation of the impact on gang behavior, and adaptation to the changing nature of gang-related drug trafficking and violent behavior.

The Organized Crime Narcotics (OCN) Trafficking Enforcement projects, funded by RJA, arrested over 15,530 mid- and high-level criminals and seized drugs, cash and property with an estimated value of approximately \$1.1 billion between their inception in 1987 and September 1994. The seizures included drugs with a wholesale value of approximately \$1 billion, property seizures of approximately \$78 million and currency seizures of approximately \$43 million. The goal of the OCN Program is to enhance, through shared management of resources and operational decision-making, the ability of local, state and federal criminal justice agencies to remove specifically targeted major narcotics trafficking conspiracies and offenders through investigation, arrest, prosecution, and conviction.

Twelve Financial Investigation (FINVEST) Projects have arrested 980 criminals, seized over \$79.6 million in drugs, \$57.9 million in property, and approximately \$18.5 million in currency between their inception in 1986 and September 1994. These programs are designed to enhance the effectiveness of a centrally coordinated multi-jurisdictional approach to the investigation and prosecution of narcotics-related financial crime. Techniques used include tracing narcotics-related financial transactions, prosecution of narcotics-related financial crime, financial structures and money laundering schemes, and asset forfeiture administration.

CORRECTIONAL OPTIONS GRANTS - PROGRAM ACCOMPLISHMENTS

The Correctional Options Program continued to develop effective, well-administered and innovative community-based programs that reduced prison and jail populations and ensured public safety by providing the appropriate level of supervision and services, including treatment to offenders who would otherwise be incarcerated. Current levels of probation supervision, parole and aftercare to reduce probation violations and criminal behavior while the offender is in a community continued to be focused on for improvement. Training and technical assistance was provided to public agencies that had received awards. A program of nationwide outreach was continued to jurisdictions to plan, develop, implement, improve or expand alternatives to traditional modes of incarceration.

PROGRAM CHANGES:

	1996 Base		1996 Estimate		Increase/Decrease	
	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount
Correctional Options Grants.....	...	12,000	...	...	...	-\$12,000

The budget request reflects a decrease in Correctional Options Grants of \$12 million that was provided in 1995. This request is made to avoid duplication with corrections programs created under the Violent Crime Control and Law Enforcement Act of 1994.

Office of Justice Programs
State and Local Law Enforcement Assistance
Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 810 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Assistant Attorney General, the Director of the Bureau of Justice Assistance, the Director of the Bureau of Justice Statistics, and the Director of the National Institute of Justice to submit to the President and the Speaker of the House of Representatives and the President of the Senate by April 1 of each year, a report on their activities from the preceding fiscal year. Combined Fiscal Year 1993 and 1994 annual reports for each unit are expected to be submitted in April 1995.
2. Section 516(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance, not later than 180 days after funds are appropriated, to submit to the President and Congress a report describing rules that were issued to carry out Chapter 8 Correctional Options Grants. The report is expected to be submitted in April 1995.
3. Section 522(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires the Director of the Bureau of Justice Assistance not later than 180 days after the end of each fiscal year to submit to Congress a report that includes with respect to each State (1) the aggregate amount of grants made under subpart 1 and subpart 2 to such State for each fiscal year; (2) the amount of such grants awarded for each of purposes specified in subpart 1; (3) a summary of the information provided in compliance with paragraphs (1) and (2) of subsection (a); (4) an explanation of how Federal funds provided under this part have been coordinated with Federal funds provided to States for drug abuse education, prevention, treatment, and research activities; and (5) evaluation results of programs and projects and State strategy implementation. The report for Fiscal Year 1994 is due March 31, 1995.
4. Section 1406(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the Director of the Bureau of Justice Assistance, not later than 90 days after the end of each fiscal year for which grants were made, submit to Congress a report that includes with respect to each State, (1) the aggregate amount of grants made under this title to each State for the fiscal year, and (2) a summary of the information provided in compliance with subsection (a)(1). No funds were provided for grants for Closed-Circuit Televiewing of Testimony of Children Who Are Victims of Abuse.

Office of Justice Programs
State and Local Law Enforcement Assistance
Summary of Changes
(dollars in thousands)

	Amount
1996 as enacted.....	\$62,000
Transferred from the Community Oriented Policing Services (COPS) Program A/.....	200,000
1996 appropriation anticipated.....	262,000
Adjustments to base:	
Transfer in the estimates from Violent Crime Reduction Programs (VCRP).....	190,000
COPS Program's 1995-only activity.....	-20,000
Total, adjustments to base.....	-10,000
1996 Base.....	252,000
Program changes:	
Correctional Options Grants.....	-12,000
Total, program changes.....	-12,000
1996 Request.....	240,000

Justification of Adjustments to Base

Increases:	190,000
1. Transfer in the estimates from Violent Crime Reduction Programs (COPS).....	
The transfer in the estimates of \$190,000,000 from the VCRP appropriation provides direct funding for the Byrne formula grants within the State and Local Law Enforcement Assistance appropriation. In 1995, the entire Byrne formula grant program was funded from the VCRP appropriation at a level of \$450,000,000. For 1996, however, the funding authorization for the Byrne formula grants within the VCRP appropriation is limited to \$260,000,000. The administration is requesting that this amount be funded from the VCRP appropriation and that \$190,000,000 be provided in direct funding under the State and Local Law Enforcement Assistance appropriation. In total, \$450,000,000 is requested in 1996 for the Byrne formula grant program, consistent with the 1995 enacted level for this program.	190,000
Total increases.....	190,000
Decreases:	-200,000
1. Antirecruiting transfer from Community Oriented Policing Services (COPS).....	
Decreases for one-time transfer for grants to jurisdictions that applied for but did not receive grants under the Supplemental Appropriations Act of 1993.....	-200,000
Total decreases.....	-200,000
Total, adjustments to base.....	-10,000

A/ Presentation is in agreement with the 1996 President's Budget Appendix. However, in order to ensure that Violent Crime Reduction Trust Fund outlays are scored against the Trust Fund only, the transfer of \$200,000,000 from the Community Oriented Policing Services (COPS) program will be treated as a reimbursement.

Office of Justice Programs
State and Local Law Enforcement Assistance
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
11.1 Full-time permanent.....
11.2 Other than full-time permanent.....
11.5 Other personnel compensation.....
11.6 Special personnel services payments.....
Total.....
12 Personnel benefits.....
13 Benefits of former personnel.....
21 Travel and transportation of persons.....
22 Transportation of things.....
23.1 GSA rent.....
23.2 Rental payments to others.....
23.3 Communications, utilities and miscellaneous charges.....
24 Printing and reproduction.....
25.2 Other services.....
26 Supplies and materials.....
31 Equipment.....
41 Grants, subsidies, and contributions.....
42 Insurance, claims, and indemnities.....
Total obligations.....
Relations of obligations to outlays:				
Total obligations.....
Obligated balance, start-of-year.....
Obligated balance, end-of-year.....
Outlays.....

A/ These numbers include COPS program outlays. COPS program outlays will actually be scored against the Violent Crime Trust Fund.

Department of Justice
Office of Justice Programs
Justice Institute
Estimates for Fiscal Year 1996
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For 1996, the Office of Justice Programs (OJP) is requesting a total of \$143,700,000 for the Juvenile Justice Programs account. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) will continue to implement a comprehensive strategy that focuses resources on programs designed to prevent delinquency and intervene effectively with serious, violent, and chronic offenders. These efforts are enhanced throughout the use of the Formula Grants Program, which also assists States in attaining compliance with requirements to deinstitutionalize status offenders, remove juveniles from adult jails and lock-ups, separate juvenile and adult offenders in institutions at the State and Local levels, and address the over-representation of minority youth in secure facilities. Also, the OJJDP will continue programs related to Community-based Gang Intervention, State Challenge Activities, Mentoring and Incentive Grants for Local Delinquency Prevention Programs. The requested funding level of \$139,200,000 will continue these programs at the 1995 funding level. The Victim of Child Abuse program is aimed at improving the care of child abuse nationwide; providing a Court Appointed Special Advocate to every victim of child abuse or neglect in the country when needed; developing and implementing child abuse investigation and prosecution programs through regional and local children's advocacy centers; and developing and implementing model training and technical assistance programs to improve the handling of abuse and neglect cases by juvenile and family courts. The 1996 request level of \$4,500,000 for the Child Abuse program excludes funding for the Court Appointed Special Advocates (CASA) program and the training of judicial personnel involved in child abuse cases. Funding of \$6,750,000 for these programs is included under the Violent Crime Reduction Programs proposal.

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Office of Justice Programs

Juvenile Justice Programs

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Juvenile Justice Programs

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, \$144,000,000, to remain available until expended, as authorized by section 239 of part C of title II of said Act, of which (a) \$100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of said Act; (b) \$10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of said Act for prevention and treatment programs relating to juvenile gangs; (c) \$10,000,000 shall be available for expenses authorized by section 285 of part E of title II of said Act; (d) \$4,000,000 shall be available for expenses authorized by part G of title II of said Act for juvenile mentoring programs; and (e) \$20,000,000 shall be available for expenses authorized by title V of said Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, \$11,250,000 shall remain available until expended, as authorized by sections 214b, 218, and 224 of said Act, of which (a) \$500,000 shall be available for expenses authorized by section 213 of said Act for regional children's advocacy centers; (b) \$2,000,000 shall be available for expenses authorized by section 214 of said Act for local children's advocacy centers; and (c) \$2,000,000 shall be available for technical assistance and training, as authorized by section 214A of said Act, of which \$1,500,000 is for a grant to the American Prosecutor Research Institute's National Center for Prosecution of Child Abuse, and of which \$500,000 is for a grant to the National Network of Child Advocacy Centers; (d) \$1,000,000 shall

\$4,500,000

be available for training and technical assistance, as authorized by section 217(b)(1) of said Act for a grant to the National Court Appointed Special Advocates program; (e) \$5,000,000 shall be available for expenses authorized by section 217(b)(2) of said Act to initiate and expand local court appointed special advocate programs; and (f) \$100,000, not to exceed section 224(b) of said Act, shall be available to the National Council of Juvenile and Family Court Judges for training programs to improve the handling of child abuse and neglect cases, as authorized by section 223(a) of said Act, for a grant to the National Council of Juvenile and Family Court Judges.

Provided further, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account

Department of Justice and Related Agencies Appropriations Act, 1995.1

Explanation of Changes:

1. The first change deletes funding of the court appointed special advocates program and model technical assistance and training programs to improve handling of child abuse and neglect cases. Funds for these purposes are being requested under the Violent Crime Reduction Programs appropriation.
2. The second change reflects language authorizing the transfer from the Justice Assistance account of all pre-1995 balances of appropriations made under the authorities of this account.

Office of Justice Programs
Juvenile Justice Programs
Crosswalk of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 Adjusted President's Budget Request*	Congressional Appropriation Action on 1995 Request	Transfer	Reprogramming	1995 Appropriation Enacted
1. Title II - Juvenile Justice & Delinquency Prevention.....	\$100,000	...	-\$4,800	...	\$95,200
2. Part D - Gang-Free Schools and Communities..	12,000	-\$2,000	...	...	10,000
3. Part E - State Challenge Activities.....	15,000	-5,000	...	...	10,000
4. Part G - Mentoring.....	...	4,000	...	...	4,000
5. Title V - Incentive Grants for Local Delinquency Prevention.....	25,000	-5,000	...	...	20,000
6. Victims of Child Abuse.....	8,000	3,250	...	...	11,250
Total, Juvenile Justice.....	160,000	-4,750	-4,800	...	150,450

* For presentation only. These funds were requested under the "Justice Assistance" account.

Congressional Appropriation Actions. The "Juvenile Justice Programs" account was newly established by Congress in 1995. Congress provided the requested level for the Title II - Juvenile Justice and Delinquency Prevention program. An overall decrease of \$2 million was provided by the Congress for Part D Gang-Free Schools and Communities. Congress decreased funding by \$5 million each for Part E State Challenge Activities and the Title V Incentive Grants for Local Delinquency Prevention. Congressional action provided an increase of \$4 million for Part G Mentoring grants and \$3,250 million for the Victims of Child Abuse program.

Transfer. Reflects \$4.8 million for Management and Administration authorized to be administered through the "Justice Assistance" account.

**OFFICE OF JUSTICE PROGRAMS
JUVENILE JUSTICE PROGRAM
BUDGET BY BUDGET ACTIVITY
(Dollars in thousands)**

Adjustments to base:

	1995 as enacted	1995 Appropriation	1996 Base	1996 Estimate	Perm. For.	Work- Years	Amount
Transfer to Justice Assistance appropriation for management and administration.....	\$155,250
1992 appropriation anticipated.....	4,800
Transfer in the estimates to Violent Crime Reduction Programs (VCRP).....	150,450
1996 base.....	150,450
	143,700

1995 Appropriation

Estimates by Budget Activity	Anticipated		1996 Base		1996 Estimate		Increases/Decreases	
	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount	Perm. For.	NY Amount
1. Title II - Juvenile Justice and Delinquency Prevention.....	...	\$95,200	...	\$95,200	...	\$95,200	...	...
2. Part D - Gang-free Schools and Communities.....	...	10,000	...	10,000	...	10,000	...	...
3. Part E - State Challenge Activities.....	...	10,000	...	10,000	...	10,000	...	...
4. Part G - Mentoring.....	...	4,000	...	4,000	...	4,000	...	...
5. Title V - Incentive Grants for Local Delinquency Prevention.....	...	20,000	...	20,000	...	20,000	...	...
6. Victims of Child Abuse.....	...	11,250	...	4,500	...	4,500	...	...
Total.....	...	150,450	...	143,700	...	143,700	...	...

* The transfer in the estimates of \$6,750,000 to the VCRP appropriation provides funding of \$6,000,000 for the Court Appointed Special Advocates (CASA) program and \$750,000 for the training of judicial personnel involved in child abuse cases. In 1995, the entire Victims of Child Abuse program was funded within the Victims of Child Abuse program appropriation. For 1996, however, the funding authorization for the above programs are provided within the VCRP appropriation. In total, \$11,250,000 is requested in 1996 for the Victims of Child Abuse program, consistent with the 1995 enacted level for this program.

Office of Justice Programs
Juvenile Justice Program
Summary of Resources by Program
(Dollars in thousands)

Estimates by Program	1994 as Enacted a/		1994 Actual a/		1995 Appropriation		1995 Base		1995 Estimate		Increase/Decrease	
	Per. For.	MI	Per. For.	MI	Per. For.	MI	Per. For.	MI	Per. For.	MI	Per. For.	MI
Juvenile Justice and Delinquency Prevention:												
Federal Grants.....
State Technical Assistance.....
Special emphasis.....
National Institute of juvenile justice & delinquency prevention..
Technical assistance.....
Concentration of federal efforts.....
Part D-grants.....
Part E-state challenge.....
Part G-youthful offenders.....
Title V-Local Delinquency Prevention.....
Subtotal.....
Victims of Child Abuse:												
Child abuse judicial training.....
Court appointed special advocates.....
Improving investigation and prosecution of child abuse.....
Subtotal.....
Total, Juvenile Justice.....

a/ Funds appropriated to Justice Assistance account in 1994, therefore all program activity is reflected there.

Office of Justice Programs
Juvenile Justice Programs
Reimbursable Resources
Summary of Requirements
(Dollars in thousands)

	1994 Actual a/ FOPL MI Amount		1995 Estimate FOPL MI Amount		1996 Request FOPL MI Amount		Increase/Decrease FOPL MI Amount	
	FOPL	MI	FOPL	MI	FOPL	MI	FOPL	MI
Financing:								
Collections by Source:								
Department of the Army.....
Department of Education.....
Department of Health and Human Services.....
Department of Justice.....
Department of Commerce.....
Budgetary Resources.....
Obligations by Program:								
Juvenile Justice.....
Total.....
Source of Reimbursement:								
Department of Education.....
Department of Army.....
Department of Health and Human Services.....
Department of Justice.....
Department of Commerce.....
Total.....

Goods or Services Provided: Resources from Federal agencies for joint projects related to juvenile justice and delinquency prevention administered by the Office of Juvenile Justice and Delinquency Prevention.

a/ Funds reimbursed to Justice Assistance account in 1994; therefore all 1994 program activity is reflected there.

Office of Justice Programs
JUVENILE JUSTICE PROGRAMS
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1995 Appropriation			1996 Base			1996 Estimate			Increase/Decrease	
	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY	Amount	Perm. Pos.	NY
Activity: Title II - Juvenile Justice and Delinquency Prevention.....	\$95,200	...	...	\$95,200	...	...	\$95,200	...	...
Part D - Gang-Free Schools and Communities.....	10,000	...	...	10,000	...	...	10,000	...	...
Part E - State Challenge Activities.....	10,000	...	...	10,000	...	...	10,000	...	...
Part G - Mentoring.....	4,000	...	...	4,000	...	...	4,000	...	...
Title V - Incentive Grants for Local Delinquency Prevention.....	20,000	...	...	20,000	...	...	20,000	...	...
Victims of Child Abuses.....	11,250	...	...	4,500	...	...	4,500	...	...

LONG-RANGE GOAL: To implement a comprehensive strategy that focuses resources on programs designed to prevent delinquency and identify and intervene effectively with serious, violent, and chronic offenders. Such a comprehensive strategy shall include aid to state and local units of government, public and private agencies, and juvenile justice systems. The strategy shall include the provision of training, technical assistance, and publications to assist the administration of child abuse nationwide through the provision of training, publications and technical assistance services. Development and implementation of multidisciplinary child abuse investigation and prosecution programs through regional and local assistance centers; development, refinement, and implementation of model training and technical assistance programs to improve state court systems; and provision of a Court Appointed Special Advocate (CASA) to every victim of child abuse or neglect in the U.S. that needs such an advocate.

MAJOR OBJECTIVES:

- To conduct research that can be applied to the development of programs for preventing and controlling juvenile delinquency and illegal drug use and improving the juvenile justice system.
- To develop, demonstrate, and disseminate information on prevention and treatment programs relating to juvenile gangs and drug abuse and drug trafficking.
- To develop and test program models based on a synthesis of research and field experience for preventing and controlling juvenile delinquency and illegal drug use and improving the juvenile justice system.
- To demonstrate existing programs for preventing and controlling juvenile delinquency and illegal drug use that are determined to be effective in a variety of jurisdictions.

To disseminate information produced by research, development, and demonstration activities through training, technical assistance, and clearinghouse activities.

To provide for auditing state monitoring compliance systems and to oversee required corrective actions.

To provide technical assistance to state and local governments, and other service providers, in the development and implementation of programs related to deinstitutionalization, separation, jail removal, disproportionate minority confinement, juvenile delinquency and other programs to improve the juvenile justice system.

To facilitate, through provision of technical/financial resources and national leadership:

- a. Full compliance with the requirement that status offenders and non offenders not be held in secure detention and correctional facilities.
- b. Separation of juveniles found to be delinquent, or status offenders, from adult persons incarcerated for criminal offenses in secure facilities.
- c. Removal of juveniles held in adult jails and lockups in all states and territories that participate in the Juvenile Justice and Delinquency Prevention (JJDP) program.
- d. Prevention and assistance of compliance monitoring systems as required by Section 223(a)(15) of the Act for purposes of supporting maintenance of compliance with the deinstitutionalization, separation and jail removal requirements.
- e. Compliance with the mandate that participating states address the over representation of minority youth in secure facilities.

To improve the quality of local and Federal child abuse prosecution by assisting elected or appointed prosecutors in identifying and implementing improved policies, procedures, and management practices of the office and to keep state and Federal prosecutors abreast of the state-of-the-art of child abuse prosecution by assisting them in identifying and meeting training needs of prosecutors and by assisting them to understand the impact of legislation relating to child abuse.

To bring knowledge and expertise of the prosecutorial community to the attention of other organizations and disciplines that share responsibility for the handling of child abuse.

To establish a children's advocacy program to: (1) focus attention on child victims by assisting communities in developing child-focused, community-oriented, facility-based programs designed to improve the resources available to children and families; (2) provide support for non-offending family members; (3) enhance coordination among community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases; and (4) train physicians and other health care and mental health care professionals in the multidisciplinary approach to child abuse so that trained medical personnel will be available to provide medical support to community agencies and professionals involved in the intervention, prevention, prosecution, and investigation systems that respond to child abuse cases.

To develop resource guidelines for the juvenile and family courts' handling of abuse and neglect cases and a comprehensive training curriculum designed to improve the judicial system's handling of abuse and neglect cases.

To develop a technical assistance package that will allow for the transfer of preferred practice and resource guidelines to other juvenile court jurisdictions to improve the effectiveness of processing child abuse and neglect cases.

To provide technical assistance, information, and support to Court Appointed Special Advocate (CASA) programs, as well as information and assistance to communities developing new programs, and provide support to existing and developing State organizations on issues such as the development of goals and objectives, State legislation, and State standards to strengthen local programs.

To promote and enhance effective, well-managed programs providing volunteer representation of children, by frequently reviewing, updating, and revising National Court Appointed Special Advocate Association Program Standards and Recommended Management Practices; to ensure that CASA/UAL (Guardian Ad-Litem) Programs have available the best, most current information on excellence in CASA programs in order to develop tools for use in assessing program quality; and to maintain a resource library for program reference.

To provide specialized training for CASA program staff, promote use of a comprehensive volunteer training curriculum, provide interdisciplinary training and discussion of issues affecting abused children, and promote national recognition for CASA as a respected, vital child advocacy organization.

BASE PROGRAM DESCRIPTION: The Formula Grant Program represents 70% of the total amount appropriated for Parts A, B, and C JDP programs. The Formula Grant Program provides funds to States on the basis of population under the age of 18. To receive its allocated funds, a State or Territory must submit a three-year comprehensive plan that meets statutory criteria. Funds may be expended for innovative programs to prevent delinquency, divert juveniles from the system, provide community-based alternatives to secure confinement, and to provide programs for juveniles who commit serious crimes. In 1994, 55 States and Territories participated in the program. Under the 1991 amendments to the JDP Act, beginning in 1994, States must demonstrate compliance with the deinstitutionalization, separation, jail removal, and minority over-representation requirements in order to qualify for their formula grant program allocation. Failure to comply with these requirements will result in a 25 percent reduction in a State's allocation for each such failure. In 1994, three States received reduced funding (25%) because of compliance issues.

The National Institute for Juvenile Justice and Delinquency Prevention (NIJ/JDP), within the Office of Juvenile Justice and Delinquency Prevention (OJJDP), conducts research and program development activities to increase understanding of the risk factors for delinquency and the effectiveness of alternative juvenile justice policies. This information is applied to the development of promising program models, through joint initiatives with the Special Emphasis Program. The NIJ/JDP also serves as an information collection and dissemination center for the Office. Information on juvenile delinquency, preventing programs, and innovative juvenile justice policies and procedures are disseminated through clearinghouse, training, and technical assistance activities.

New program development efforts funded by the Special Emphasis Division address a wide range of national juvenile justice issues by developing and testing prototypes and demonstrating effective programs. Program information generated throughout the development process is disseminated to the field. Competitive awards are made to support comprehensive planning and program development in many areas impacting high risk youth, as well as violent juvenile offenders. The design and implementation of these new efforts are coordinated with NIJ/JDP and the State Relations and Assistance Division.

OJJDP, through the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates and concentrates Federal resources on the problems of delinquency and the operations of the juvenile justice system. This includes the development of Federal youth policy and joint programs to target high risk youth.

Through the Mentoring Program three-year grants are made to local agencies for programs designed to link at-risk youth with responsible adults to provide guidance, promote personal and social responsibility, increase educational participation, discourage use of illegal drugs, violence, weapon use, and other criminal activity, discourage gang involvement, and encourage participation in community service and activities.

Incentive Grants for Local Delinquency Prevention Programs are awarded, through State Advisory Groups, to units of local government for a broad range of delinquency prevention programs and activities to benefit youth who have had contact with or are likely to have contact with the juvenile justice system. Services to children, youth and families include recreation, tutoring and remedial education, work skills, health and mental health, alcohol and substance abuse prevention, leadership development, and accountability. Priority is given to localities that coordinate and collaborate in provision of services, involve the private nonprofit and business sectors and develop or enhance a statewide subsidy program to local governments that is dedicated to early intervention and delinquency prevention.

In 1992, the State Challenge Activities Program was authorized and in 1993, \$10 million was appropriated for the program. This program authorizes the Administrator to award grants to states participating in the Formula Grants Program, in the amount of 10 percent of the State's Formula Grant allocation, for each of the challenge activities that the state agrees to undertake. There are 10 challenge activities:

1. basic health, mental health and education services for youth in the juvenile justice system;
2. access to counsel for youth in the juvenile justice system;
3. programs and criteria to increase use of community-based alternatives through objective detention and correction placement criteria;
4. establishing secure community-based corrections options for violent juvenile offenders as an alternative to training schools;
5. policies to prohibit gender bias and provide female youth with a full range of system services;
6. establishment of a State Children's Office for complaints related to out-of-home care of juveniles;
7. appointment of a State Children's Advocate to monitor the juvenile court jurisdiction;
8. alternatives to school suspension and expulsion;
9. comprehensive aftercare service programs; and
10. establish a state administrative structure to coordinate program and fiscal policies for youth with emotional and behavioral problems and a statewide case review system.

In 1992, amendments to the Victims of Child Abuse Act of 1990, P.L. 101-647, changed the administering agency for the Investigation and Prosecution of Child Abuse Program from the Office for Victims of Crime (OVC) to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Since 1993 Congress has appropriated \$1.5 million for a grant to the American Prosecutor Research Institute's (APRI) National Center for the Prosecution of Child Abuse (Center). For 1996, the base funding level of \$1.5 million is being requested. The APRI Center provides publication services, training, and technical assistance to prosecutors and other professionals involved in the prosecution of child abuse at the state, local and federal levels. The Center's staff attends conferences and workshops throughout the country to train in techniques for the effective prosecution of child abuse. In addition, APRI's Center serves as an information clearinghouse for prosecutors, social workers, therapists, law enforcement, and clinicians involved in the prosecution of child abuse. In 1994, Congress provided for the first time an appropriation of \$500,000 for Regional Children's Advocacy Centers and \$1 million for Local Advocacy Centers. In 1995, \$500,000 was again provided for Regional Children's Advocacy Centers and \$2 million was provided for Local Advocacy Centers, an increase of \$1 million over 1994. Currently, OJJDP is considering methods of implementing this program initiative for regional and local advocacy centers. Congress also provided \$500,000 in 1995 for National Network of Advocacy Centers. These Centers had previously been funded within the title II - Juvenile Justice and Delinquency Prevention-activity.

The Judicial Child Abuse Training Program was authorized by Section 223(a) of the Victims of Child Abuse Act of 1990, P.L. 101-647. The program is administered by the Office of Juvenile Justice and Delinquency Prevention. The program was first funded in 1992 when Congress provided \$500,000 for a grant to the National Council of Juvenile and Family Court Judges to develop model technical assistance and training programs to improve the court system's handling of child abuse and neglect cases. The program was continued in 1993 and 1994 at the same funding level of \$500,000 and in 1995, \$750,000 was provided. For 1996, \$750,000 is being requested under the Violent Crime Reduction Program appropriation. Under this program, a comprehensive set of resource guidelines will be established for use by the Nation's juvenile and family courts to offset a fundamental lack of resources and other institutional barriers to conducting careful and complete hearings and issuing subsequent court

determinations. The resource guidelines will address the who, what, why, when, and how of each court proceeding and will describe what each participant should do. The guidelines should be developed for the hearing officer, the judge, the attorneys, the parties, and the public. The guidelines should contain specific standards applicable to urban courts and specific standards applicable to rural courts. The resource guidelines will be organized to include practical suggestions on how to improve efficiency, streamline court proceedings, and marshal additional resources. A training curriculum will be developed for judges and other professionals involved in decision-making regarding abused and neglected children. Critical training units will be identified and core curricula will be devised for application to interdisciplinary programs involving judges, court personnel, attorneys, social service representatives, and other child welfare professionals. Included in the technology transfer of a technical assistance package will be a means to measure a court's performance in improving practice.

The National Court appointed Special Advocate program is authorized by Section 218 of the Victims of Crime Act of 1992, 42 U.S.C. 130111, 42 U.S.C. 130112, and Sections 261(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. 5601. The program was established in 1994 with \$4.5 million in appropriated funds from the Department of Justice. In 1994, Congress directly appropriated \$4.5 million to support technical assistance and training and to expand the nationwide CHADP program. In 1995, an increase of \$1.5 million was provided for this program bringing the total funding level to \$6 million. In 1996, \$6 million is being requested under the Violent Crime Reduction Programs appropriation. This project recognizes the need for technical assistance in program development and implementation, management, training, volunteer recruitment and diversification, legal and liability issues, resource development and public relations, so that CHADP programs can effectively complement the services provided to children and their families through the existing juvenile court and social service delivery systems. To advance the program services/growth objectives of this project, the National Court appointed Special Advocate Association (NCAAA) provides on-going direct consultation and advice to judges, court staff, state attorneys general, state juvenile justice administrators and professional staff. NCAAA continues to encourage the development of unified, coordinated efforts at the state level for the purpose of support for new programs, communication among existing programs, training, development of standards for program quality and consistency, and advocacy with their state legislatures.

ACCOMPLISHMENTS AND WORKLOAD: The following table represents accomplishments of the Juvenile Justice Programs.

	1992	1994	1995	Estimate	1996
States and Territories participating in Formula grant program.....	56	55	57	57	57
States in full compliance with deinstitutionalisation provisions.....	51	55	57	57	57
States in compliance with separation requirements.....	51	54	57	57	57
States in compliance or qualified for waiver with jail removal.....	53	53	57	57	57
States in compliance with disproportionate minority confinement.....	..	55	57	57	57
States and Territories with monitoring systems.....	56	57	57	57	57
States and Territories with electronic monitoring.....	21	25	27	27	27
National Justice Project Grants awarded.....	2	35	37	37	37
Prevention and treatment programs relating to juvenile gangs and drug abuse and drug trafficking.....	26	40	42	42	42
State Challenge Activities Grants.....	19	16	22	22	22
Incentive Grants for Local Delinquency Prevention Programs.....	..	..	57	57	57
Inter-agency agreements entered into.....	4	4	4	4	4
Information/dissemination projects.....	2	2	2	2	2

Since enactment of the JDP Act of 1974, the provision of Federal technical and financial resources has enabled participating States to implement a system of victim assistance. The Formula Grants Program has provided a significant impact on the investigation throughout the United States. The number of victims of child sexual abuse who have been referred to law enforcement agencies has increased from 171,581 to 3,146 among the participating States. Fifty-five of the States participating in the program have achieved full compliance with the statutory mandate to deinstitutionalize status offenders and non-offenders.

The following is a summary of accomplishments under the Victims of Child Abuse Program:

- Completion of a draft of a Federal supplement to the Center's "Investigation and Prosecution of Child Abuse Manual."
- Presentation of two "Basic Training for Child Abuse Prosecutors" courses.
- Preparation of the "Investigation and Prosecution of Child Abuse Manual - Second Edition" draft.
- Planning of a national conference on "Investigation and Prosecution of Child Deaths and Physical Abuse."
- Responded to approximately 2,000 technical assistance requests from Federal, State and local prosecutors, victim advocates, victims, legislators, media, researchers, and professionals in the area of child abuse.
- A Resource Guidelines Committee, consisting of seven judges with diverse rural and metropolitan jurisdictions and other nationally recognized experts, was established and five national consultants were selected to advise committee deliberations.
- Drafted a comprehensive set of Resource Guidelines detailing judicial responsibilities at the Shelter Care Hearing, the first court procedure in a juvenile abuse or neglect case, referred to in some jurisdictions as a "detention hearing," or "emergency removal hearing."
- Outlined preliminary content of a judicially-based training curriculum to be used to implement the Resource Guidelines through a continuing series of judicial education programs.
- Developed a resource library of documents related to the handling of child abuse, neglect and dependency cases by the juvenile justice system. Library documents encompass a wide spectrum of currently court-involved cases to be used during implementation and transfer activities.
- The Association resource library includes training and administrative materials, child advocacy research and referral sources, legislation, case law and information on CASA programs and CASA Program projects that have received NCJASAA excellence awards. The library is now catalogued on a computerized database, and functions as an efficient and current resource for NCJASAA and CASA program staff. The acquisition and development of resource materials will continue in this next project year.
- A long standing goal was met during 1993 with the establishment of a CASA program in Sheridan, Wyoming. This program marks the presence of volunteer CASA/GAL programs in all 50 states.
- NCJASAA plays a significant role in volunteer recruitment through its ability to develop and disseminate high quality, nationally distributed materials by referring potential volunteers to local programs. In 1993, hundreds of referrals were made to local CASA programs because of the training materials developed from national and regional efforts, including Donahue, Stories in Magazines, such as Parent's Digest, Woman's Day, New Yorker, Caring People Magazine, and Santa Barbara Magazine.

- An integral aspect of the training program is the MCASAA Annual Conference which brings together volunteers, program staff, attorneys, judges, and social service professionals for a 3-1/2 day interdisciplinary program featuring nationally recognized speakers and a variety of workshops. The annual conference provides specific training tracks, and continuing education credits are offered for attorneys and social workers to encourage their participation. The 1993 Twelfth Annual MCASAA conference in Des Moines, Iowa, had 562 participants. A faculty of 68 offered 56 workshops and general sessions.
- MCASAA completed the editing of a thirty-second public service announcement (PSA) for television and radio from the 7-minute video hosted by Tom Sheritt and produced in 1992. Free copies of this PSA were sent to all interested programs and will continue to be available through 1994. MCASAA's television PSA aired nationally a number of times on CNN and Court TV as well as one prime-time airing on NBC. It was accepted for rotation by ABC. The 7-minute video was recognized with four awards, two of which were national (Telly and TVA). A poster using the final shot from the video was also produced and multiple copies were sent to all programs as well as to funders, congressional contacts, media contacts, affiliate organizations, and friends of CASA.
- MCASAA, through its resource development section, provides a range of services to local and state programs. Statistical, evaluative and case information useful to programs in the preparation of applications for grant funds and community contributions are provided to member programs. The Association also conducts ongoing research of public and private funders, and identifies prospective sources for funding to the programs. In 1994, MCASAA will convene a work group to explore cause-related marketing opportunities and other revenue-producing ventures.
- 1993 marked the establishment of MCASAA's National Corporate Council, an organization of corporate representatives from throughout the country committed to increasing awareness of and corporate support for CASA. The National Corporate Council is headed by an Urban Program Development Initiative. This Urban Initiative is a six-year project targeting eight large metropolitan cities where child abuse needs for CASA representation is greatest. The Corporate Council, in partnership with each targeted CASA program board and staff, will organize and conduct funding campaigns to expand the metropolitan program's capacity to serve more children. Chicago will be the site of the first campaign in 1994, where 28,000 children are in foster care. The MCASAA Corporate Council and local program will undertake a funding campaign to raise \$600,000 to expand the Cook County CASA program. Pittsburgh, where a CASA program is newly underway, will be the second campaign site.

Office of Justice Programs

Juvenile Justice Programs

Status of Congressionally Requested
Studies, Reports, and Evaluations

1. Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to submit an annual report to the President and Congress within 180 days after the end of each fiscal year. The report must contain: (1) a detailed summary and analysis of juvenile custody data, including offender type, offense, race, gender, age, facility type, death rate information and educational status; (2) a description of part A funded activities; (3) a description of each State's compliance with Section 223 and the State plan; (4) a summary of each part C or part D funded program or activity, evaluation information and an assessment of replication potential; and (5) a description of exemplary delinquency prevention programs funded under title II. The report for Fiscal Year 1994 is due March 31, 1995, and is expected to be submitted by June 30, 1995.
2. Section 248(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to conduct a study, to be started within one year from enactment of the 1988 amendments (by November 18, 1989) and completed within three years (by November 18, 1991), with a description and summary of the results submitted to the Congress. The study would review conditions in juvenile detention and correctional facilities, the extent to which such facilities meet national standards, and make recommendations to improve conditions in such facilities. A summary report was submitted to Congress in January, 1993. After completion of additional analysis and discussion of proposed recommendations with relevant Federal agencies, national professional and youth advocacy organizations, OJJDP issued its formal recommendations to Congress for improving conditions for juveniles in confinement in July 1994.
3. Section 248(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than 180 days after enactment of the 1992 amendments (November 4, 1992), the Administrator shall begin to conduct a study on the incidence, nature and causes of violence committed by or against juveniles in urban and rural areas. The study is to be completed and a report submitted to Congress discussing and summarizing the results, within three years (by November 4, 1995). The initial report (on two sites) will be submitted on time. A second report (on the remaining sites) will be submitted in November, 1996.
4. Section 248(a)(7) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires that not later than one year after the date of enactment of this subsection (November 4, 1993), the Administrator shall submit a report to Congress on hate crimes, including characteristics of juveniles who commit such crimes, the crimes themselves and their victims. The report is expected to be submitted by December 1995.

Office of Justice Programs
 Juvenile Justice Programs
 Summary of Changes
 (Dollars in thousands)

	Amount
1995 as enacted.....	\$155,250
Transferred to Justice Assistance.....	-4,800
1995 appropriation anticipated.....	150,450
Adjustments to Base:	
Transfer in the estimates to Violent Crime Reduction Programs (VCRP).....	-6,750
1996 Base.....	143,700
1996 Request.....	143,700

Justification of Adjustments to Base

Decreases:

1. Transfer in the estimates to Violent Crime Reduction Programs.....
 The transfer in the estimates of \$6,750,000 to the VCRP appropriation will provide funding for the Court Appointed Special Advocates (CASA) program and \$750,000 for the training of judicial personnel involved in child abuse cases. In 1995, the entire Victims of Child Abuse program was funded within the Juvenile Justice Programs appropriation. For 1996, however, the funding authorization for these programs are provided within the VCRP appropriation. The Administration is requesting that this amount be funded from the VCRP appropriation and \$4,500,000 be provided in direct funding under the Juvenile Justice appropriation. In total, \$11,250,000 is requested in 1996 for the Victims of Child Abuse programs, consistent with the 1995 enacted level for this program.

-6,750

1588

Office of Justice Programs
Juvenile Justice Program
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
11.1 Full-time permanent.....
11.3 Other than full-time permanent.....
11.5 Other personnel compensation.....
11.8 Special personnel services payments.....
Total.....
12 Personnel benefits.....
13 Benefits of former personnel.....
21 Travel and transportation of persons.....
22 Transportation of things.....
22.1 Rent.....
23.1 Rental payments.....
23.2 Rental of equipment, utilities and
23.3 miscellaneous charges.....
24 Printing and reproduction.....	...	\$225	\$225	...
25.1 Consulting services.....	...	3,705	3,705	\$3,705
25.2 Other services.....	...	1,515	1,515	15
25.3 Purchases of goods and services from	...	1,000	1,000	...
Government accounts.....
26 Supplies and materials.....
31 Equipment.....
41 Grants, subsidies, and contributions.....	...	147,725	137,255	-10,470
42 Insurance claims and indemnities.....
Total obligations.....	...	150,450	143,700	-6,750
Relations of obligations to outlays:				
Total obligations.....	...	150,450	143,700	
Obligated balance, start-of-year.....	117,351	
Obligated balance, end-of-year.....	...	-117,351	-172,286	
Outlays.....	...	33,099	88,785	

Department of Justice
Office of Justice Programs
Public Safety Officers' Benefits
Estimates for Fiscal Year 1996
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Office of Justice Programs
Public Safety Officers' Benefits
Summary Statement
Fiscal Year 1996

For 1996, the Office of Justice Programs is requesting a total of \$30,608,000 for the Public Safety Officers' Benefits (PSOB) Program. The sum of this request represents the 1996 base funding level.

The PSOB program provides for payment of a death benefit to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty. Public safety officers covered by the program include but are not limited to, police, corrections, probation, parole and judicial officers, public ambulance or rescue squad members, and firefighters. The Public Safety Officers' Disability Benefits program is a relatively new program authorized by the Crime Control Act of 1990. Under this program, Federal, State, and local public safety officers are eligible for a disability payment when permanently and totally disabled due to a traumatic injury sustained in the line of duty. The program was established in 1996 and requested provides \$28,400 for the Death Benefits program and \$2,134,000 for the Disability Benefits program, which is classified as a discretionary request in Budget Enforcement Act terms.

Office of Justice Programs

Public Safety Officers' Benefits

Justification of Proposed Changes in Appropriation Language

The 1996 budget estimates include proposed changes in the appropriation language listed and explained below. New language is underscored and deleted matter is enclosed in brackets.

Public Safety Officers' Benefits

For payments authorized by part I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100-690 (102 Stat. 4339-4340) and, in addition, \$2,072,000~~00~~00 to remain available until expended, for payments as authorized by section 1201(b) of said Act.

\$2,134,000

Department of Justice and Related Agencies Appropriations Act, 1995.

Explanation of Change:

1. No substantive change proposed.

Office of Justice Programs
Public Safety Officers' Benefits
Crossover of 1995 Changes
(Dollars in thousands)

Activity/Program	1995 President's Budget Request	Reprogramming	1995 Appropriation Enacted
1. Public Safety Officers' Benefits Program:			
Death Benefits.....	\$27,645	...	\$27,645
Disability Benefits.....	2,072	...	2,072
Total.....	29,717	...	29,717

Office of Justice Programs
Public Safety Officers' Benefits
Summary of Requirements
(Dollars in thousands)

Adjustments to Base	1994	1994	1995	1996	1996	Amount
	Enacted	Actual	Enacted	Base	Estimate	
1995 as enacted.....						\$29,717
Mandatory increase.....						891
Decreases.....						491
1996 Base.....						30,608
Estimated by Budget Activity						
1. Public Safety Officers Benefits Program:						
Death Benefits.....	\$28,936	\$26,690	\$27,645	\$28,474	\$28,474	...
Disability Benefits.....	1,885 a/	473	2,072	2,134	2,134	...
Total.....	30,821	27,163 b/	29,717	30,608	30,608	...

a/ Transferred from the Department of Justice Fees and Expenses of Witnesses account.

b/ Numbers do not agree with the President's Budget Appendix. Numbers reflected here are based on the final 1996 Treasury report and are correct.

Office of Justice Programs
Public Safety Officers' Benefits
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

Activity: Public Safety Officers' Benefits	1995 Appropriation Enacted	1995 Base	1995 Estimate	Increase/Decrease
Death benefits.....	\$27,645	\$28,474	\$28,474	...
Disability benefits.....	2,072	2,134	2,134	...
Total.....	29,717	30,608	30,608	...

LONG-RANGE GOAL: To provide a death benefit payment to eligible survivors of Federal, State and local public safety officers who have died as a result of personal injury sustained in the line of duty or a disability benefit payment to Federal, State, and local public safety officers who are permanently and totally disabled as the direct result of a catastrophic personal injury received in the line of duty.

MAJOR OBJECTIVES:

- To pay eligible death benefit claims within two weeks of the filing of a fully documented claim and to pay eligible disability benefit claims within six weeks of filing a fully documented claim.
- To issue determinations on ineligible death benefit claims within four weeks of the filing of the fully documented claim and to issue determinations on ineligible disability benefit claims within six weeks of the filing of the fully documented claim.
- To conduct an appeal hearing within 60 days of an appellant's request.
- To issue the appeal determination within 30 days of the official close of the appeal hearing.

BASE PROGRAM DESCRIPTION: The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Public Safety Officers' Benefits Act of 1976, established the Public Safety Officers' Benefits program. The Anti-Drug Abuse Act of 1988 (P.L. 100-690) (42 U.S.C. 3796) authorized a basic death benefit payment of \$100,000 when a Federal, State or local law enforcement officer, fire fighter, corrections officer, judicial official or public ambulance or rescue squad member dies, as the direct and proximate result of a traumatic injury sustained in the line of duty. The Act also provided for an annual cost of living escalator tied to the Consumer Price Index (CPI). This escalator, on October 1 of every year, increases the benefit by the percentage of increase in the CPI. If a widow and eligible children survive, the widow receives one-half of the benefit and the remaining one-half is apportioned among the increase in the CPI. If there is no widow and there are eligible children, the full benefit is apportioned among the eligible children. If there are no eligible children, the widow and/or eligible children do not survive the deceased public safety officer. The Crime Control Act of 1990 provided authority for a new disability benefit program. Public Safety Officers' Disability Program. Federal, State, and local public safety officers are eligible for the disability payment when permanently and totally disabled as the direct result of a catastrophic injury received in the line of duty on or after November 29, 1990. The benefit is payable retroactively to October 25, 1992, equalized the two payments by making the disability benefit the same amount as the death benefit. This legislative change was retroactive to November 29, 1990. Each year, the amount of the death and disability benefit payments are adjusted by the annual percentage change in the Consumer Price Index. The benefit increased from \$119,894 in 1992 to \$123,520 in 1993, an increase of 3 percent. In 1994, the benefit payment was \$127,499, a 3.2% increase over 1993. In 1995, the benefit increased to \$130,416, a 2.3 percent increase over 1994.

Generally, the PSOS program staff receives a death report within one week of the public safety officer's death, usually from the employing agency. Claims are initiated by the PSOS staff when the death report is received. Employing agencies generally take from 75-80 days to file a complete claim. Eligible claims are paid within two weeks of being filed and documented; ineligible claims are processed within four weeks of being filed and documented. When a claim is denied, appeal instructions are provided to the claimant. Appeals are heard within 60 days of the claimant's request and decisions are rendered within 30 days of the official close of the appeal hearing. Hearing officer denials may be appealed to the Director of the Bureau of Justice Assistance. Once an appeal is heard by the agency and the denial affirmed, the claimant may appeal directly to the U.S. Claims Court. Claims entering the Federal court system may take from six months to two years or more to resolve, depending on how rapidly the court and the claimant's attorney respond to statutory and procedural requirements.

Disability claims cannot be initiated until the disabled officer has been permanently separated from his or her public safety agency and has been awarded permanent disability benefits. Claims are initiated with the officer's permanent disability award. After receipt of the permanent disability award, the PSOS staff initiates the disability claim. This "prerequisite" procedure prevents PSOS staff from being inundated with disability claims that do not meet the "total and permanent" PSOS disability requirement. Employing agencies generally take from 75-80 days to file a complete claim. Because medical reviews are needed on all disability claims, both eligible and ineligible claims are processed within six to eight weeks of being filed and fully documented. Eligible claims are not paid until the end of the fiscal year in the event more claims are received than funds are available to pay the full benefit amount. In such cases, the benefit payment to each officer must be reduced by a proportionate share in accordance with the Disability Program legislation. Ineligible claims may be appealed. It is expected that the same timeframes will apply for appeals in the Disability Program as are outlined above for the Death Benefits Program.

ACCOMPLISHMENTS AND WORKLOAD: Actual and estimated workload and accomplishments of the Public Safety Officers' Benefits Program are presented in the following tables. The administrative costs associated with the program are borne by the "Justice Assistance" appropriation.

Item	1993		1994		Estimate 1995	
	1993	1994	1993	1994	1995	1996
Death Claims:						
Initiated.....	226	262	240	240	240	240
Closed.....	221	252	230	230	230	230
Agency Appeals Requested.....	3	2	15	15	15	15
Agency Appeals Closed.....	7	3	15	15	15	15
Court Appeals Initiated.....	3	1	2	2	2	2
Court Appeals Closed.....	1	...	2	2	2	2
Disability Claims:						
Initiated.....	11	6	18	18	18	18
Closed.....	6	7	18	18	18	18
Agency Appeals Requested.....	...	...	3	3	3	3
Agency Appeals Closed.....	...	...	3	3	3	3
Court Appeals Initiated.....	...	...	1	1	1	1
Court Appeals Closed.....	...	...	1	1	1	1

* Figures include newly initiated claims and appeals as well as active claims and appeals carried over from a previous year.

Death benefit claim processing objectives have been met in that the average eligible claim was paid within two weeks of completed filing, and the average ineligible claim was closed within four weeks of certified documentation.

Following is a summary of public safety officer claims that were found eligible during the period 1979 through 1994:

Fiscal Year	Law Enforcement Officers	Fire Fighters	Corrections Officers	Others	Total Claims Paid	Total Amount Paid
Public Safety Officer Death Claims:						
1979	157	79	16	6	258	\$12,900,000
1980	153	70	6	5	234	11,700,000
1981	188	64	9	8	269	13,450,000
1982	152	56	7	2	217	10,800,000
1983	160	43	6	5	214	10,700,000
1984	134	44	8	2	188	9,400,000
1985	144	61	7	14	226	11,300,000
1986	118	37	5	8	180	9,000,000
1987	119	37	4	2	180	9,000,000
1988	120	48	10	8	186	9,300,000
1989:						
Newly initiated claims	155	60	5	10	230	21,575,150
Supplemental payments *	11	8	1	10	19	950,000
1989 Total	166	68	6	20	249	22,525,150
1990	155	47	6	15	223	23,294,130
1991	143	42	2	9	201	22,037,145
1992	123	44	3	9	179	20,864,402
1993	146	42	5	6	199	24,123,153
1994	142	61	6	3	212	26,540,017
Public Safety Officer Disability Claims:						
1992	2	1	...	...	3	300,000
1993 **	4	3	...	...	7	510,963
1994	2	1	...	...	3	348,364

* Supplemental payments of claims paid in 1989 for deaths that occurred between June 1, 1988, and September 30, 1988, in accordance with the Anti-Drug Abuse Act of 1988.

** Includes supplemental payments totaling \$42,705 for three disability claims paid in 1992 in accordance with P.L. 102-520.

	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Estimate 1995
--	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------	------------------

Number of Deaths Reported..... 349 379 322 291 282 302 237 259 277 257 225 234 322 255 236 204 226 262 240 240
 Number of Disabilities Reported... .. 349 379 322 291 282 302 237 259 277 257 225 234 322 255 236 204 226 262 240 240
 While death reports had been steadily decreasing, from 322 in 1989 to the lowest level of 204 in 1992, this trend leveled off in 1993 when 226 deaths were reported, an increase of 22 over 1992. This increase was due primarily to several incidents during which multiple deaths occurred. During 1994, death reports increased substantially, again due to several incidents during which multiple deaths occurred--14 Federal firefighters killed fighting a Colorado forest fire; 2 Federal firefighters killed enroute to a New Mexico forest fire; and 5 DEA agents killed in an airplane crash in Peru. Aside from these 21 deaths resulting from these tragic incidents, death reports still appear to be increasing slightly.

In light of the relatively recent establishment of the Disability Program, it is difficult to project the volume of disability claims that will be received. Seven claims for disability benefits were initiated in 1992, eleven were initiated in 1993 and six were initiated in 1994. Up to fifteen disability claims are expected in 1995 and 1996. Inquiries are steadily increasing and a general awareness of the program has been growing throughout the nation and among public safety agencies.

The November 18, 1988, amendment to the Public Safety Officers' Benefits (PSOB) Act (Anti-Drug Abuse Act of 1988, P.L. 100-690) authorized the use of up to \$150,000 of PSOB funds to establish national programs to assist the families of public safety officers who have died in the line of duty. Accordingly, Concerns of Police Survivors, Inc. (COPS) was awarded \$143,014 in May 1989, as well as supplemental grants of \$149,856 in June 1990, \$150,000 in July 1991, and \$150,000 in September 1992, 1993 and 1994 to carry out this Congressional mandate. It is anticipated that a \$150,000 grant award will be made to this organization in 1995 and again in 1996. COPS is an organization that coordinates and directs a national network that responds with psychological and emotional support to families of public safety officers who have died in the line of duty. This network consists of families of deceased public safety officers who have come through that deeply traumatic experience to take up, once again, reasonably normal, productive lives. Each May 14-16, COPS conducts their annual National Survivor Family Conference in Washington, D.C., for law enforcement survivor families throughout the nation. This conference is held in conjunction with the National Law Enforcement Officers' Memorial Service on May 15 of each year.

Office of Justice Programs
Public Safety Officers' Benefits
Summary of Changes
(Dollars in thousands)

	<u>Amount</u>
1995 as enacted.....	\$29,717
Adjustments to base:	
Mandatory increase:	
General pricing level adjustment.....	891
Decreases.....	<u>30,608</u>
1996 base.....	30,608
1996 Request.....	30,608

Justification of Adjustments to Base

<p>Mandatory increase:</p> <p>1. General Pricing Level Adjustment.....</p> <p>This request applies the pricing guidance as of June 6, 1994, to selected expenses categorized the increased costs identified in the report applying a factor of 10 percent, which represents an annual cost of living escalator tied to the Consumer Price Index (CPI) in accordance with authorizing legislation. The public safety officer benefit payment is expected to rise from \$130,416 in 1991 to \$134,328 in 1996.</p> <p>Total mandatory increase.....</p> <p>Total, adjustments to base.....</p>	<p>891</p> <p><u>891</u></p> <p>891</p>
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Office of Justice Programs
Public Safety Officers' Benefits
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
11.1 Full-time permanent.....	...	...	...	...
11.3 Other than full-time permanent.....	...	...	...	...
11.5 Other personnel compensation.....	...	...	...	...
11.8 Special personal services payments.....	...	...	...	...
Total.....	...	...	...	...
12 Personnel benefits.....	...	...	...	...
13 Benefits of former personnel.....	...	...	...	...
21 Travel and transportation of persons.....	...	...	...	...
22 Transportation of things.....	...	...	...	...
23.1 GSA rent.....	...	...	...	...
23.2 Rental payments to others.....	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	...	...	...	...
24 Printing and reproduction.....	...	...	...	...
25 Other services.....	...	...	...	...
26 Supplies and materials.....	\$5	\$5	\$5	...
31 Equipment.....	...	...	...	...
41 Grants, subsidies, and contributions.....	150	150	150	...
42 Insurance claims and indemnities.....	27,008 *	30,974 *	30,453	-521
Total obligations.....	27,163 *	31,129 *	30,608	-521
Unobligated balance, start-of-year.....	-3,740 *	-1,412 *	...	...
Unobligated balance, end-of-year.....	1,412 *	...	...	...
Unobligated balance expiring.....	5,986 *	...	...	...
Total requirements.....	30,821	29,717	30,608	...
Relation of obligations to outlays:				
-Total obligations.....	27,163 *	31,129 *	30,608	...
Obligated balance, start-of-year.....	1,291	1,536	...	...
Obligated balance, end-of-year.....	-1,536	...	...	...
Outlays.....	26,918 *	32,665 *	30,608	...

* Numbers do not agree with the President's Budget Appendix. Numbers reflected here are based on the final 1994 Treasury report and are correct.

Department of Justice
 Office of Justice Programs
 Crime Victims Fund
Estimates for Fiscal Year 1996
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Office of Justice Programs
Crime Victims Fund
Summary Statement
Fiscal Year 1996

The Crime Victims Fund was established by the Victims of Crime Act of 1984, as amended. The authorizing legislation provides for the deposit of Federal criminal fines, bond forfeitures, and penalty assessments into the Crime Victims Fund. There is no ceiling on sums that may be deposited into the Fund. The Administrative Office of the U.S. Courts receives the first \$6.2 million collected in fiscal years 1992 through 1995, and the first \$3.0 million in each fiscal year thereafter, to be used for specified administrative costs to improve collection efforts. The remaining funds are used for five programs administered by the Office for Victims of Crime (OVC): 1) grants to States for victim compensation programs (40% of the State's prior year expenditures for compensation benefits); 2) allocations to each State and select territories to fund eligible direct services (crime victim assistance programs); 3) national-scope training and/or technical assistance services to eligible crime victims assistance programs; 4) training and technical assistance to Federal law enforcement officers, prosecutors and victim/witness coordinators, and for the financial support of services to victims of crime; and 5) grants to State, local, and tribal law enforcement agencies, prosecutors, victim/witness coordinators, and for the financial support of services to victims of crime. The Crime Victims Fund is administered by both the Department of Health and Human Services (HHS) and the Office of Crime Legislation requires that \$10 million of available collections be made available for this purpose. OVC retains 15% (\$1.5 million) of the \$10 million set-aside to implement Children's Justice Act (CJA) initiatives in Indian Country. In 1995, collections are expected to total \$165,025,000.

Office of Justice Programs

Crime Victims Fund

Summary of Requirements
(Dollars in thousands)

	1994 Actual	1995 Estimate	1996 Revised
Expenditures			
Unappropriated balance, start of year.....	938,534	978,891	965,025
Collection/Deposit/Refund.....	185,091	171,225	171,411
Transfer to General Fund.....	-4,200	-4,200	-3,000
Transfer to Administrative Office of U.S. Courts.....	...	...	...
Transfer to Federal Prison System.....	...	...	...
Unappropriated balance, end of year.....	-178,891	-155,025	-158,411
Appropriation.....	138,534	178,891	165,025
Recovery of prior year obligations.....	1,249	...	...
Unobligated balance available, start of year.....	1,242	1,481	...
Unobligated balance available, end of year.....	-1,481	...	...
Unobligated balance lapsing.....	-1,481	...	...
Obligations.....	138,382	180,372	165,025
Obligations by Program			
Victim Compensation.....	60,680	81,912	75,187
Victim Assistance.....	65,463	81,912	75,187
NWS/Children's Justice.....	9,325	8,800	8,800
Children's Justice/Native American.....	1,912	1,912	1,912
Federal Program.....	-1,912	-4,322	-4,322
Total Obligations.....	138,382	180,372	165,025

Funds are obligated the year after they are collected. Totals may not add due to rounding.

Office of Justice Programs
Crime Victims Fund
Justification of Program and Performance
Activity Resource Summary
(Dollars in thousands)

	1994 Actual Obligations	1995 Estimated Obligations	1996 Estimated Obligations	Increase/Decrease
Activity: Crime Victims Fund.....	\$138,382	\$180,372	\$165,025	-\$15,347

LONG-RANGE GOALS: To encourage all States and Federal territories to provide victims of crime access to compensation and assistance programs designed to reduce the emotional, financial, and physical effects of victimization, and to support and facilitate the participation of crime victims in the criminal justice process through training and technical assistance and direct assistance to Federal crime victims.

MAJOR OBJECTIVES:

- To implement the provisions of the Victims of Crime Act of 1984, as amended.
- To provide technical assistance to the States in implementing victim assistance and victim compensation programs via regular technical assistance meetings and site visits.
- To provide technical assistance to the Native American organizations and U.S. Attorneys Offices that serve Federal crime victims.
- To compile and analyze data submitted by the State programs and report to Congress on the impact of Federal funding.
- To monitor compliance with the Attorney General's Guidelines for Victim and Witness Assistance in agencies with Federal law enforcement or prosecutorial responsibilities.
- To provide technical assistance support to Federal victim/witness coordinators, other U.S. Attorney and Federal investigative personnel.
- To provide limited, direct assistance to unserved victims of Federal crimes.
- To develop and implement a program to improve handling of child abuse cases on Native American Indian Reservations.
- To implement the provisions of the Crime Control Act of 1990 concerning courtroom protocol for child abuse victims.
- To encourage compliance with the Federal Victims Bill of Rights.
- To coordinate all DOJ training programs regarding victims and witnesses of Federal crime, including child victims.
- To provide training for Federal law enforcement agencies regarding implementation of the Victim Witness Protection Act and the 1990 Crime Control Act.

To manage national scope discretionary grants that provide information or training to improve services to crime victims and to improve the criminal justice system's response to victims.

To assess compliance with and make an annual report to the Attorney General regarding Department of Justice-wide implementation of the Attorney General Guidelines for Victim and Witness Assistance.

To work as a member of the HHS Interagency Task Force on Child Abuse and Neglect to develop plans and recommendations for Congress and the U.S. Advisory Board on Child Abuse and Neglect regarding services for victims of child abuse.

BASE PROGRAM DESCRIPTION: The Victims of Crime Act program is funded by collections of fines, penalty assessments, and bond forfeitures from defendants convicted of Federal crimes. The Fund was established by the Victims of Crime Act of 1984 (P.L. 98-473), as amended by the Children's Justice and Assistance Act of 1986 (P.L. 99-401), and reauthorized by the Anti-Drug Abuse Act of 1988 (P.L. 100-690). The Crime Control Act of 1990, which was enacted on November 29, 1990, raised the cap for deposits into the Crime Victims Fund, in 1991 and thereafter, from \$125 million to \$150 million. Amendments enacted on October 29, 1992, in the Federal Courts Administration Act of 1992, eliminated the cap on collections in 1993 and provided that the U.S. Courts receive the first \$6.2 million collected. Most recent amendments enacted through the Violent Crime Control and Law Enforcement Act of 1994, reduced the amount to U.S. Courts to \$3.0 million beginning in 1996. Pursuant to statute, the next \$10 million deposited into the Fund is allocated to the Children's Justice Act Programs. The remaining amounts deposited in the Fund are distributed as follows: 48.5% for victim compensation; 48.5% for victim assistance; and 3% for training and technical assistance and Federal crime victim services. Funds are not available for obligation during the year of collection; instead, they are allowed to accumulate so that the total amount available for obligation in the next year is determined in advance.

Funds are targeted at five purpose and program areas: (1) The Administrative Office of the U.S. Courts - The first \$6.2 million deposited in the Fund in each fiscal year through 1995, and the first \$3 million thereafter is available to the judicial branch for administrative costs to improve criminal debt collections; (2) The legislation requires that up to \$10 million shall be made available for grants to States to assist in developing, establishing, and operating programs designed to improve the handling of child abuse cases and the investigation and prosecution of cases of child abuse, particularly child sexual abuse. The 1988 amendments require that 3 percent of this amount shall be retained by OVC to cover OVC's administrative expenses and the balance of the amount shall be distributed to the States on the basis of 40 percent of each State's eligible victimization cases aside 48.5 percent of the deposits which are distributed to the States on the basis of 40 percent of each State's eligible victimization cases. During the preceding fiscal year (if available funds are sufficient) (4) Crime Victim Assistance - 48.5 percent of the deposits are available for victim assistance grants, which are awarded to States for the purpose of providing services, other non-financial assistance, and limited emergency financial assistance to innocent victims of crime. Priority must be given to eligible crime victim assistance programs that provide assistance to victims of sexual assault, spousal abuse, child abuse, and previously underserved victims of violent crime. Recipient organizations eligible for victim assistance funding include non-profit organizations and agencies of State or local governments (or combinations of such entities) that provide services to victims of crime, including crisis intervention services, emergency aid, and assistance to victims participating in criminal justice proceedings; and (5) Training and Technical Assistance and Federal Victims Assistance - The legislation sets aside 3 percent of deposits for this purpose. At least one-half of the funds available for this purpose shall be for the financial support of services to victims of Federal crime.

Management and Administration expenses for the Office for Victims of Crime (OVC) are included in the "Justice Assistance" appropriation.

ACCOMPLISHMENTS AND WORKLOAD: During 1994, the Office for Victims of Crime awarded funds to 47 States, the District of Columbia and the Virgin Islands for Victim Compensation programs and 57 States and territories for Victim Assistance programs. During 1995, OVC expects to award funds to 48 States, the District of Columbia and the Virgin Islands for Victim Compensation programs and 57 States and territories for Victim Assistance programs.

In 1989, OVC initiated the Children's Justice Act (CJA) grant program for Native Americans. The purpose of the CJA grant program is to enable Federally recognized Indian tribes to improve the investigation, prosecution, and handling of child abuse cases in a way that lessens trauma to the child victim. These grants are resulting in a range of systemic improvements that include: training for multi-disciplinary teams; revision of tribal codes to address child abuse; child advocacy services for children involved in the court process; protocols for reporting, investigating, prosecuting, and treating child sexual abuse cases; and improved case management and treatment services. Since 1990, two training and technical assistance grants have been awarded to Native American non-profit organizations to provide regional training and on-site consultation to Indian tribes that received subgrants or grants to develop crime victim assistance services or improve their responses to serious cases of child abuse, especially child sexual abuse. In 1994, OVC awarded nine new grants directly to tribes and provided continuation funding for three others. In 1995, OVC will award 20 new and/or continuation grants to develop model programs that can be replicated in Indian Country.

In 1994, the Office awarded grants to several national organizations for training and technical assistance to victim assistance programs as well as training for military victim assistance providers; a grant to develop and print four products for inclusion in a child victim assistance resource package for distribution to Federal criminal justice personnel to assist child victims and witnesses of Federal crimes; a grant to establish a free trainers' Bureau and announce the availability of a no-cost expert crisis response team under the immediate response to emerging public programs to provide continued training to clergy on domestic violence; and other victim assistance grants to establish a national victim assistance academy; a grant to establish a national victim assistance academy; and four field-initiated topic-specific grants.

In 1994, to directly aid victims of Federal crime, OVC allocated \$30,000 to the Executive Office for U.S. Attorneys (EOUSA) to be used by U.S. Attorneys, with OVC approval, to provide emergency services to Federal victims when no other services exist. Additionally, OVC will continue discretionary grant programs to support the development of programs to assist Federal victims of crime in Indian country. Under this program, grants were awarded to 19 States to provide victim assistance services on Indian reservations. The States subgranted these Federal funds to 52 Indian tribes or tribal organizations that have initiated, expanded, or improved "on-reservation" services for violent crime victims. In 1995, OVC plans to extend this successful program to other tribes on areas of Federal jurisdiction can work with State victim assistance programs to establish victim assistance services in their communities. The State agencies appointed by the Governor to receive Victims of Crime Act funds in Alabama, Colorado, Florida, Iowa, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma and Texas are eligible to apply.

Other efforts planned for 1995 include training programs for Federal prosecutors, investigators, and victim-witness coordinators on handling cases of child abuse in the Federal criminal justice system. In March 1995, OVC and the National Children's Advocacy Center in Huntsville, Alabama, will co-sponsor a training conference on child sexual abuse. OVC will work with EOUSA to provide other specialized training opportunities for Federal law enforcement officials, including Assistant U.S. Attorneys, LECC/Victim Witness Coordinators, and Federal investigators. Over 2,000 copies will be distributed of a child witness video, to be viewed by Native American children expected to testify in either Federal or Tribal court. Through a cooperative agreement with the Federal Law Enforcement Training Center, Federal law enforcement officers will continue to be trained to respond effectively to the needs of crime victims and comply with the provisions of the Victim and Witness Protection Act of 1982.

Additional initiatives for 1995 include: regionally-based training for local and State law enforcement agencies on responding to family violence; Children's Justice Act (CJA) grants to be made directly to Indian tribes to improve the investigation, prosecution and handling of cases of child abuse, particularly child sexual abuse; training and technical assistance programs to assist Victim Assistance in Indian Country subgrantees and CJA grantees to establish "on reservation" services and train personnel; continued training for Federal law enforcement officers; Assistant U.S. Attorneys and Victim/Witness Coordinators; allocation of funds enabling U.S. Attorneys to provide emergency services to Federal victims; continued support for the grant program to States for the development of victim assistance services in Indian country; implementation of the Victims Rights and Restitution Act and the Victims of Child Abuse Act of 1990; continuation of the information

clearinghouse function through the Office for Victims of Crime Resource Center; training and technical assistance focused on enhancing victim services to sexually exploited children; dissemination of training and technical assistance designed to improve state and local criminal justice systems responses to crime victims (i.e., corrections, probation, parole, legal assistance); dissemination of state and regional training designed to improve victim services to victims of drug-related crime in public housing facilities; continuation of topic-specific training events to improve victim services on specific, timely issues of concern; provision of training to victim service providers in the areas of program development, management, evaluation and direct services; and provision of training and technical assistance to the criminal justice system and victim service providers in the area of sexual assault, cultural diversity issues, domestic violence, including elderly abuse, and mental health treatment.

OVC has also entered into interagency agreements in 1995 with BOUSA and the Criminal Division, DOJ, to provide internalized DOJ training to Assistant U.S. Attorneys nationwide. This effort is being accomplished through the Office of Legal Education and the major focus is on the prosecution of child sexual abuse and exploitation cases.

PROGRAM CHANGE:

	1994 Obligations	1995 Obligations	1996 Obligations	Increase/Decrease
Crime Victims Fund.....	\$136,382	\$180,372	\$165,025	-\$15,347

The following chart displays a breakdown of projected obligations by program. The obligation amount for 1995 includes the \$178,891,000 collected in 1994 plus the unobligated balance of \$1,481,000 million carried over from 1994. Collections are expected to reach \$165,025,000 in 1995 for obligation in 1996.

	Allocation of 1994 Collections	Estimated 1995 Obligations Unobligated Carryover	Total	Estimated 1996 Obligations (Allocation of 1995 Collections)
Victim Compensation.....	\$81,912	...	\$81,912	\$75,187
Victim Assistance.....	81,912	...	81,912	75,187
RHS/Children's Justice.....	8,500	...	8,500	8,500
Children's Justice/Mative American.....	1,500	\$121	1,621	1,800
Federal Program/Training/TA.....	5,067	1,360	6,427	4,831
Total.....	178,891	1,481	180,372	165,025

Office of Justice Programs

Crime Victims Fund

Status of Congressionally Requested
Studies, Reports, and Evaluations

Section 1407(g) of the Victims of Crime Act of 1984, as amended by the Anti-Drug Abuse Act of 1988, requires that the Director of the Office for Victims of Crime shall on December 31, 1990, and on December 31 every two years thereafter, report to the President and to the Congress on the revenue derived from each source described in section 1402 and on the effectiveness of the activities supported under this chapter. The Director may include in such report recommendations for legislation to improve this chapter. The report is due March 1996 and is expected to be submitted on time.

Office of Justice Programs
Crime Victims Fund
Summary of Requirements by Grade and Object Class
(Dollars in thousands)

Object Class	1994 Actual	1995 Estimate	1996 Request	Increase/Decrease
11.1 Full-time permanent.....	...	...	...	...
11.3 Other than full-time permanent.....	...	...	...	...
11.5 Other personnel compensation.....	...	...	...	...
11.8 Special personnel services payments.....	...	...	...	...
11.8 Total.....	...	...	...	...
12 Personnel benefits.....	...	...	...	...
13 Benefits of former personnel.....	...	...	...	...
21 Travel and transportation of persons..	\$57	\$38	\$40	\$2
22 Transportation of things.....	...	...	...	...
23.1 GSA rent.....	...	...	...	...
23.2 Rental payments to others.....	...	...	...	...
23.3 Communications, utilities and miscellaneous charges.....	...	...	...	...
24 Printing and reproduction.....	...	...	...	...
25.2 Other services.....	565	350	360	10
26 Supplies and materials.....	49	...	...	...
41 Equipment.....	137,711	179,984	164,825	-15,359
41 Grants, subsidies, and contributions..	...	...	...	...
42 Insurance claims and indemnities.....	...	...	...	...
42 Total obligations.....	138,382	180,372	165,025	-15,347
Recovery of prior year obligations.....	-1,249	...	...	...
Unobligated balance, start-of-year.....	-1,242	-1,481	...	...
Unobligated balance, end-of-year.....	1,481	...	...	...
Unobligated balance expiring.....	1,163	...	...	...
Total requirements.....	138,534	178,891	165,025	...
Relation of obligations to outlays:				
Total obligations.....	138,382	180,372	165,025	...
Obligated balance, start-of-year.....	95,854	97,567	116,933	...
Obligated balance, end-of-year.....	-97,867	-116,933	-118,071	...
Adjustments in unexpired accounts.....	-1,249	...	...	...
Outlays.....	135,420	161,006	163,887	...

Violent Crime Reduction Programs
Department of Justice
Summary of Requirements
(Dollars in thousands)

	Perm. Pos.	Work Years	Amount
1995 as enacted.....	1,828	1,147	\$2,345,000
Transfers to and from other accounts.....	283	267	-150,248
Mandatory Increases.....	...	716	63,427
Decreases (automatic, non-policy).....	...	...	-54,315
1996 base.....	2,111	2,130	2,203,864

	1995 Availability			1996 Base			1996 Estimate			Increase/Decrease		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
Comparison by activity and program												
1. Violent Crime Reduction Programs:												
General Administration.....	224	112	\$17,400	...	...	...	...	...	\$15,500	...	...	\$15,500
Administrative Review and appeals.....	...	...	...	224	224	26,260	312	268	33,180	88	44	6,900
Community Oriented Policing Service.....	130	66	1,300,000	130	130	1,300,000	268	268	1,002,964	138	136	602,964
General Legal Activities, Civil Division.....	56	31	4,600	56	56	7,591	56	56	7,591	...	...	...
U.S. Attorneys.....	60	40	6,800	65	65	9,731	145	115	14,731	80	30	5,000
U.S. Marshals Service.....	...	...	...	...	...	...	41	40	16,500	41	40	16,500
Federal Bureau of Investigation.....	...	...	...	...	...	1,219	4	2	46,500	4	2	46,500
Drug Enforcement Administration.....	...	...	...	53	53	8,035	83	86	12,000	30	16	3,965
Immigration and Naturalization Service.....	1,306	666	265,200	1,336	1,371	262,210	1,707	1,656	335,496	371	187	73,286
Federal Prison System.....	...	...	...	226	209	11,796	262	234	13,500	37	25	1,703
Office of Justice Programs.....	...	...	761,000	...	...	577,000 *	...	...	1,593,238	...	...	832,238
Total.....	1,828	1,147	2,346,000	2,111	2,130	2,203,864	2,678	2,606	3,964,200	767	479	1,760,336

* Excludes \$1,500,000 provided in 1996 for the Office of Prevention Council and requested as as independent agency in 1996.